FEDERAL REGISTER

VOLUME 22 NUMBER 122

Washington, Tuesday, June 25, 1957

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 30—ANNUAL AND SICK LEAVE REGULATIONS

APPENDIX A—LIST OF OFFICERS EXCLUDED FROM COVERAGE PURSUANT TO SECTION 202 (C) (1) (C) OF THE ANNUAL AND SICK LEAVE ACT OF 1951, AS AMENDED

Effective on the first day of the first pay period which begins after the date of publication, Appendix A is revised and amended as set out below.

DEPARTMENT OF STATE

1. Commissioner, International Boundary Commission—United States, Alaska, and Canada.

DEPARTMENT OF THE TREASURY

1. Director of the Mint (effective January 14, 1955).

DEPARTMENT OF THE ARMY

1. Commissioner, Mississippi River Commission.

DEPARTMENT OF THE INTERIOR

(a) Office of Territories.
1. Government Secretary of Guam.
2. Government Secretary for the Virgin Islands.
3. Secretary of the Territory of Alaska.
4. Secretary of the Territory of Hawaii.
5. High Commissioner of the Trust Territory of the Pacific Islands.

(b) United States Fish and Wildlife Service.
1. Commissioner of Fish and Wildlife.

DEPARTMENT OF LABOR

1. Director, Women's Bureau.

DEPARTMENT OF COMMERCE

1. Director of Census.
2. Commissioner of Patents.
3. Chief of Weather Bureau.
4. Director, National Bureau of Standards.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

1. Commissioner of Education.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

1. Member, Board of Commissioners.
2. Member, Public Utility Commission.
3. Commanding General, D. C. National Guard.

(Sec. 206, 65 Stat. 681; 5 U. S. C. 2065. Interprets or applies sec. 202, 65 Stat. 679, as amended; 5 U. S. C. 2061. E. O. 10540, 19 F. R. 3983, 3 CFR, 1954 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-5144; Filed, June 24, 1957; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter G—Determination of Proportionate Shares

[Sugar Determination 850.53, Rev. Supp. 1]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

OREGON PROPORTIONATE SHARE AREAS AND FARM PROPORTIONATE SHARES FOR 1957 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1957 Crop (22 F. R. 631) the Agricultural Stabilization and Conservation Oregon State Committee has issued the bases and procedures for dividing the State into proportionate share areas and establishing individual farm proportionate shares from the allocation of 19,877 acres established for Oregon by the determination. Copies of these bases and procedures are available for public inspection at the office of such Committee at the Ross Building, 209 S. W. 5th Avenue, Portland, Oregon, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Oregon. These bases and procedures incorporate the following:

§ 850.54 *Oregon*—(a) *Proportionate share areas.* Oregon shall be divided into two proportionate share areas comprising sugar beet producing districts as served by two beet sugar companies. These areas shall be designated as follows: Nampa-Nyssa and Toppenish. Acreage allotments for these areas shall

(Continued on p. 4431)

CONTENTS

FEDERAL REGISTER

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CONTENTS—Continued

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

be computed by applying to the planted sugar beet acreage record for each area, a weighting of 75 percent to the average acreage for the crops of 1950 through 1954, as a measure of "past production", and a weighting of 25 percent to the largest acreage of any of the crops of 1950 through 1954, as a measure of "ability to produce", with pro rata adjustments to a total of 19,877 acres. Acreage allotments computed as aforestated are established as follows: Nampa-Nyssa Area—17,378 acres and Toppenish Area—2,499 acres.

(b) *Set-asides of acreage.* Set-asides of acreage shall be made from area allotments as follows: Toppenish Area—53 acres for new producers; 25 acres for appeals; and 71 acres for adjustments in initial shares; Nampa-Nyssa Area—494 acres for new producers; 711 acres for appeals; and 0 acres for adjustments in initial shares.

(c) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC County Office on form SU-100, Request for Sugar Beet Proportionate Share. The request shall be signed and filed by the farm operator (the producer who controls and directs the operations on the farm) or owner (or legal representative) and shall be filed on or before the closing date for such filing as provided in § 850.53.

(d) *Establishment of individual farm proportionate shares*—(1) *For old producers*—(i) *Farm bases.* For each farm in each proportionate share area whose operator is a tenant, the farm base shall equal the "1956 crop share established for the farm" which was operated by him for the 1956 crop year. For each farm whose operator is a tenant without a personal sugar beet production record in the period used in the area in which the farm is located for establishing shares for the 1956 crop (§ 850.30, 21 F. R. 6990), and for each farm in each proportionate share area whose operator is not a tenant, the farm base shall equal the "1956-crop share established for the farm." The term "1956-crop share established for the farm" shall mean either the 1956-crop share established for the farm, including adjustments made under appeals but excluding any downward adjustment made because the 1956-crop acreage planted on the farm was less than the share originally established for the farm and any upward adjustment made because the 1956-crop shares of other farms were not fully planted, or the initial 1956-crop share which would have been established pursuant to § 850.30 (21 F. R. 6990) if it had been requested by the 1957 farm operator, except as a 1956-crop new producer.

(ii) *Initial proportionate shares.* Initial proportionate shares shall be established from the farm bases in each proportionate share area as follows: For farms for which the respective requested acreages are equal to or less than their farm bases, the initial shares shall coincide with the requested acreages, except that for each such farm in the Toppenish Area with a base of 8.0 acres or less and for each such farm in the Nampa-Nyssa area with a base of 5.0 acres or less, the initial share shall coincide with the base; and for all other farms, initial shares shall be computed by prorating to such farms in accordance with their respective bases, the area allotment less the prescribed set-asides and the total of the initial shares established in accordance with subdivision (i) of this subparagraph.

(iii) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments, and from acreage of initial shares in excess of requested acreages in each proportionate share area, adjustments shall be made in initial farm proportionate shares for old producers so as to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the area by taking into consideration availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities, and the production experience of the operator.

(2) *For new producers.* Within the acreage set aside for new producers in each proportionate share area, proportionate shares shall be established in an equitable manner for farms to be operated during the 1957 crop year by new producers (as defined in § 850.53) by taking into consideration the availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(3) *Adjustments under appeals.* Within the acreage set aside for making adjustments under appeals and any other acreage remaining unused in each proportionate share area, adjustments shall be made in proportionate shares under appeals to establish fair and equitable farm shares in accordance with the provisions of § 850.53 applicable to appeals.

(4) *Adjustments because of unused acreage.* To the extent of acreage available within the allotment for each proportionate share area from underplanting and failure to plant, and unused acreage from set-asides and other sources, adjustments shall be made in farm proportionate shares during the 1957-crop season. Insofar as practicable, acreage remaining unused in one area shall be reallotted to the other area.

(5) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on form SU–103, Notice of Farm Proportionate Share—1957 Sugar Beet Crop, even if the acreage established is "none", and in each case of approved adjustment the farm operator shall be notified regarding the adjusted proportionate share on a form SU–103–A or other similar written notice.

(6) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.53.

STATEMENT OF BASES AND CONSIDERATIONS

This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Oregon State Committee for determining farm proportionate shares in Oregon in accordance with the determination of proportionate shares for the 1957 crop of sugar beets, as issued by the Secretary of Agriculture.

The bases and procedures specified herein are essentially the same as those which were effective in the State for the 1955 and 1956 crops. Oregon is again divided into the same two areas. Advisory committees, including grower and processor representatives, are utilized. In establishing proportionate shares for old producers, the factors of "past production" and "ability to produce" sugar beets are measured by using in each case the "1956-crop share established for the farm", as that term is defined, as the

base in prorating the acreage available for such producers. The procedures for establishing farm shares for new producers meets the related requirements of § 850.30.

The bases and procedures for making adjustments in initial proportionate shares and for adjusting shares subsequently because of unused acreage and appeals are designed to provide a fair and equitable proportionate share for each farm of the total acreage of sugar beets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153)

Dated: May 24, 1957.

[SEAL] ROBERT T. LISTER,
Chairman, Agricultural Stabilization and Conservation Oregon State Committee.

Approved: June 3, 1957.

LAWRENCE MYERS,
Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 57-5161; Filed, June 24, 1957; 8:50 a. m.]

[Sugar Determination 850.53, Rev., Supp. 7]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

TEXAS FARM PROPORTIONATE SHARES FOR 1957 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1957 Crop (22 F. R. 631), the Agricultural Stabilization and Conservation Texas State Committee has issued the bases and procedures for establishing individual farm proportionate shares from the allocation of 1,820 acres established for Texas by the determination. Copies of these bases and procedures are available for public inspection at the office of such committee at the U. S. D. A. Building, College Station, Texas, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Texas. These bases and procedures incorporate the following:

§ 850.60 *Texas*—(a) *Set-asides of acreage.* From the State allocation there are set aside 51 acres for use in establishing farm proportionate shares for new producers, 19 acres for adjusting individual farm proportionate shares under appeals, and 100.0 acres for adjusting initial farm proportionate shares.

(b) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC County Office on Form SU-100, Request for Sugar Beet Proportionate Share. The request shall be signed and filed by the farm operator (the producer who controls and directs the operations on the farm) or owner (or legal representative) and shall be filed on or before the closing date for such filing as provided in § 850.53.

(c) *Establishment of individual farm proportionate shares*—(1) *For old producers*—(i) *Farm bases.* For each farm operated by an old producer (any producer except a new producer), the farm base shall be computed from the planted sugar beet acreage record of the farm by giving a weighting of 50 percent to the average acreage for the crops of 1950 through 1956 as a measure of "past production" and a weighting of 50 percent to the average acreage of the crops 1954 through 1956 as a measure of "ability to produce", except that the 1957 farm base for any farm operated by a new producer in 1955 or 1956 shall equal the 1956 initial share established for such farm.

(ii) *Initial proportionate shares.* Initial proportionate shares shall be established from the farm bases as follows: For farms for which the respective requested acreages are equal to or less than their farm bases, the initial shares shall coincide with the requested acreages, and for all other farms, initial shares shall be computed by prorating to such farms in accordance with their respective bases, the State allotment less the prescribed set-asides and the total of the initial shares established in accordance with subdivision (i) of this subparagraph.

(iii) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments, and from any acreage of initial shares in excess of requested acreages, adjustments shall be made in initial farm proportionate shares for old producers so as to establish a proportionate share which is fair and equitable as compared with proportionate shares for all other farms in the State by taking into consideration availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities, and the production experience of the operator.

(2) *For new producers.* Within the acreage set aside for new producers, proportionate shares shall be established in an equitable manner for farms to be operated during the 1957 crop year by new producers (as defined in § 850.53) by taking into consideration the availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(3) *Adjustments under appeals.* Within the acreage set aside for making adjustments under appeals and any other acreage remaining unused, adjustments shall be made in proportionate shares under appeals to establish fair and equitable farm shares in accordance with the provisions of § 850.53 applicable to appeals.

(4) *Adjustments because of unused acreage.* To the extent of acreage available within the State allocation from underplanting and failure to plant, and unused acreage from set-asides and other sources, adjustments shall be made in farm proportionate shares during the 1957-crop season.

(5) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on Form SU-103, Notice of Farm Proportionate Share—1957 Sugar Beet Crop, even if the acreage established is "none", and in each case of approved adjustment, the farm operator shall be notified regarding the adjusted proportionate share on a Form SU-103-A or other similar written notice.

(d) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.53.

STATEMENT OF BASES AND CONSIDERATIONS

This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Texas State Committee for determining farm proportionate shares in Texas in accordance with the determination of proportionate shares for the 1957 crop of sugar beets, as issued by the Secretary of Agriculture. Except for the changes in the formula used in establishing individual farm bases for old producers, the bases and procedures specified herein are essentially the same as those which were effective in the State for the 1955 and 1956 crops. The base period was changed from 1950-54 to 1950-56. The weighting given to the average acreage on the farm in the base period, as a measure of "past production", is reduced from 75 percent to 50 percent, while the weighting given to "ability to produce" is changed from 25 percent for the 1953-54 average acreage to 50 percent for the 1954-56 average acreage. More equitable farm bases result from giving greater recognition to more recent plantings. The procedure for establishing farm shares for new producers meets the related requirements of § 850.53.

The bases and procedures for making adjustments in initial proportionate shares and for adjusting shares subsequently because of unused acreage and appeals are designed to provide a fair and equitable proportionate share for each farm of the total acreage of sugar beets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153)

Dated: May 21, 1957.

[SEAL] R. G. SHRAUNER,
Chairman, Agricultural Stabilization and Conservation Texas State Committee.

Approved: June 3, 1957.

LAWRENCE MYERS,
Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 57-5162; Filed, June 24, 1957; 8:50 a. m.]

[Sugar Determination 850.53 Rev., Supp. 8]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

KANSAS FARM PROPORTIONATE SHARES FOR 1957 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1957 Crop (22 F. R. 631), the Agricul-

tural Stabilization and Conservation Kansas State Committee has issued the bases and procedures for dividing the State into proportionate share areas and establishing individual farm proportionate shares from the allocation of 8,153 acres established for Kansas by the Determination. Copies of these bases and procedures are available for public inspection at the office of such Committee at the Wareham Building, 417 Humboldt Street, Manhattan, Kansas, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Kansas. These bases and procedures incorporate the following:

§ 850.61 *Kansas*—(a) *Set-asides of acreage.* From the State allocation there are set aside 164.0 acres for use in establishing farm proportionate shares for new producers, 81.0 acres for adjusting individual farm proportionate shares under appeals, and 1,000.0 acres for adjusting initial farm proportionate shares.

(b) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC County Office on Form SU–100, Request for Sugar Beet Proportionate Share. The request shall be signed and filed by the farm operator (the producer who controls and directs the operations on the farm) or owner (or legal representative) and shall be filed on or before the closing dated for such filing, as provided in § 850.53.

(c) *Establishment of individual farm proportionate shares*—(1) *For old producers*—(i) *Farm bases.* For each farm whose operator is a tenant, the farm base shall equal the "1956-crop share established for the farm" which was operated by him for the 1956-crop year. For each farm whose operator is a tenant without a personal sugar beet production record in the period used for establishing shares for the 1956 crop (§ 850.30, 21 F. R. 6693) and for each farm whose operator is not a tenant, the farm base shall equal the "1956-crop share established for the farm". The term "1956-crop share established for the farm" shall mean either the 1956-crop share established for the farm, including adjustments made under appeals but excluding any downward adjustment made because the 1956-crop acreage planted on the farm was less than the share originally established for the farm and any upward adjustment made because the 1956-crop shares of other farms were not fully planted, or the initial 1956-crop share which would have been established pursuant to § 850.30 (21 F. R. 6693) if it had been requested by the 1957 farm operator, except as a 1956-crop new producer.

(ii) *Initial proportionate shares.* Initial proportionate shares shall be established from the farm bases as follows: For farms for which the respective requested acreages are equal to or less than their farm bases, the initial shares shall coincide with the requested acreages, and for all other farms, initial shares shall be computed by prorating to such farms in accordance with their respective bases, the State allotment less the prescribed set-asides and the total of the initial shares established in accordance with subdivision (i) of this subparagraph.

(iii) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments, and from any acreage of initial shares in excess of requested acreages, adjustments shall be made in initial farm proportionate shares for old producers so as to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the State by taking into consideration availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities, and the production experience of the operator.

(2) *For new producers.* Within the acreage set aside for new producers, proportionate shares shall be established in an equitable manner for farms to be operated during the 1957 crop year by new producers (as defined in § 850.53) by taking into consideration the availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(3) *Adjustments under appeals.* Within the acreage set aside for making adjustments under appeals and any other acreage remaining unused, adjustments shall be made in proportionate shares under appeals to establish fair and equitable farm shares in accordance with the provisions of § 850.53 applicable to appeals.

(4) *Adjustments because of unused acreage.* To the extent of acreage available within the State allocation from underplanting and failure to plant, and unused acreage from set-asides and other sources, adjustments shall be made in farm proportionate shares during the 1957-crop season.

(5) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on form SU–103, Notice of Farm Proportionate Share—1957 Sugar Beet Crop, even if the acreage established is "none", and in each case of approved adjustment the farm operator shall be notified regarding the adjusted proportionate share on a form SU–103–A or other similar written notice.

(d) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.53.

STATEMENT OF BASES AND CONSIDERATIONS

This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Kansas State Committee for determining farm proportionate shares in Kansas in accordance with the determination of proportionate shares for the 1957 crop of sugar beets, as issued by the Secretary of Agriculture.

The bases and procedures specified herein are essentially the same as those which were effective in the State for the 1955 and 1956 crops, except that Kansas is no longer divided into two proportionate share areas. Operations have been suspended at the small beet sugar factory in the State. The sugar beets produced in Kansas will be transported for processing to factories in Colorado. It is believed that more uniform treatment can be accorded producers in Kansas by establishing individual farm shares directly from the State allocation. An advisory committee, including grower and processor representatives, is utilized. In establishing proportionate shares for old producers, the factors of "past production" and "ability to produce" sugar beets are measured by using in each case the "1956-crop share established for the farm", as that term is defined, as the base in prorating the acreage available for such producers. The procedure for establishing farm shares for new producers meets the related requirements of § 850.30.

The bases and procedures for making adjustments in initial proportionate shares and for adjusting shares subsequently because of unused acreage and appeals are designed to provide a fair and equitable proportionate share for each farm of the total acreage of sugar beets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153)

Dated: May 22, 1957.

[SEAL] RODNEY K. MCCAMMON,
Chairman, Agricultural Stabilization and Conservation Kansas State Committee.

Approved: June 3, 1957.

LAWRENCE MYERS,
Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 57–5160; Filed, June 24, 1957; 8:50 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Plum Order 6]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.558 *Plum Order 6*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 26, 1957. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until June 18, 1957; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on June 18, 1957, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information were submitted to the Department; shipments of the current crop of such plums are expected to begin on or about June 26, 1957; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 26, 1957, and ending at 12:01 a. m., P. s. t., November 1, 1957, no shipper shall ship any package or container of Tragedy plums unless such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 5 x 6 standard pack;

(ii) If the plums are packed in a special plum box, they are of a size not smaller than a size that will pack an 8½-row standard pack;

(iii) If the plums are packed in any container other than a standard basket or special plum box, sixty-six and two-thirds (66⅔) percent, by count, of the plums measure not less than one and eight-sixteenths (1⅛) inches in diameter: *Provided,* That individual containers in any lot may contain not more than fifty (50) percent, by count, of plums which measure less than one and eight-sixteenths (1⅛) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed thirty-three and one-third (33⅓) percent; and

(iv) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) As used herein, "U. S. No. 1," "fairly uniform in size," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (Fresh) (§§ 51.1520 to 51.1530 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "8½-row standard pack" shall mean that the top layer of the pack contains 72 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 936.143 of the rules and regulations, as amended (7 CFR 936.100 et seq.), sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 21, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-5186; Filed, June 24, 1957; 9:21 a. m.]

[Plum Order 7]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.559 *Plum Order 7*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 26, 1957. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until June 18, 1957; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on June 18, 1957, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information were submitted to the Department; shipments of the current crop of such plums are expected to begin on or about June 26, 1957; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 26, 1957, and ending at 12:01 a. m., P. s. t., November 1, 1957, no shipper shall ship any package or container of Wickson plums unless such plums grade at least U. S. No. 1 with a total tolerance of five (5) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 4 standard pack;

(ii) If the plums are packed in a special plum box, they are of a size not smaller than a size that will pack a 6-row standard pack;

(iii) If the plums are packed in any container other than a standard basket or special plum box, seventy-five (75) percent, by count, of the plums measure not less than 2 inches in diameter: *Provided,* That, individual containers in any lot may contain not more than thirty-seven and one-half (37½) percent, by count, of plums which measure less than two (2) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed twenty-five (25) percent; and

(iv) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch:

Provided, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) As used herein, "U. S. No. 1," "fairly uniform in size," "serious damage" and "standard pack" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (Fresh) (§§ 51.1520 to 51.1530 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 936.143 of the rules and regulations, as amended (7 CFR 936.100 et seq.), sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipments.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 21, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-5187; Filed, June 24, 1957; 9:21 a. m.]

[Plum Order 8]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.560 *Plum Order 8*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 26, 1957. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until June 18, 1957; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on June 18, 1957, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information were submitted to the Department; shipments of the current crop of such plums are expected to begin on or about June 26, 1957; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 26, 1957, and ending at 12:01 a. m., P. s. t., November 1, 1957, no shipper shall ship from any shipping point during any day any package or container of Eldorado plums unless such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and, except to the extent otherwise permitted under this paragraph,

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 4 standard pack;

(ii) If the plums are packed in a special plum box, they are of a size not smaller than a size that will pack a 6-row standard pack;

(iii) If the plums are packed in any container other than a standard basket or special plum box, seventy-five (75) percent, by count, of the plums measure not less than two (2) inches in diameter: *Provided,* That, individual containers in any lot may contain not more than thirty-seven and one-half (37½) percent, by count, of plums which measure less than two (2) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed twenty-five (25) percent; and

(iv) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) During each day of the aforesaid period, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than the size prescribed in subparagraph (1) of this paragraph if said quantity does not exceed one hundred (100) percent of the number of the same type of packages or containers of plums shipped by such shipper which meet the size requirement of said subparagraph (1) of this paragraph and all such smaller plums meet the applicable one of following requirements:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in a special plum box, they are of a size not smaller than a size that will pack a 7-row standard pack;

(iii) If the plums are packed in any container other than a standard basket or special plum box, sixty-six and two-thirds (66⅔) percent, by count, of the plums measure not less than one and thirteen-sixteenths (1 13/16) inches in diameter: *Provided,* That, individual containers in any lot may contain not more than fifty (50) percent, by count, of plums which measure less than one and thirteen-sixteenths (1 13/16) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed thirty-three and one-third (33⅓) percent; and

(iv) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(3) If any shipper, during any day of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than the size prescribed in subparagraph (1) of this paragraph, the quantity of such undershipment may be shipped by such shipper only from such shipping point during the next 2 succeeding calendar days: *Provided,* That, shipment is also made on the particular calendar day by such shipper of the full quantity of such smaller-sized plums such shipper is authorized to ship on such day under subparagraph (2) of this paragraph.

(4) As used herein, "U. S. No. 1," "fairly uniform in size," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (Fresh) (§§ 51.1520 to 51.1530 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricul-

tural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(5) Section 936.143 of the rules and regulations, as amended (7 CFR 936.100 et seq.), sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 21, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-5188; Filed, June 24, 1957; 9:21 a. m.]

[Lemon Reg. 691, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.798 (Lemon Regulation 691, 22 F. R. 4251) are hereby amended to read as follows:

(ii) District 2: 651,000 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 20, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-5156; Filed, June 24, 1957; 8:49 a. m.]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

FINDINGS AND DETERMINATIONS RELATIVE TO EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1957-58 FISCAL YEAR

Notice was published in the June 5, 1957, daily issue of the FEDERAL REGISTER (22 F. R. 3931) that consideration was being given to proposals regarding the expenses and the fixing of the rate of assessment for the fiscal year (April 1, 1957, through March 31, 1958) under the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969; 22 F. R. 3513), regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Avocado Administrative Committee (established pursuant to the said amended marketing agreement and order), it is hereby found and determined that:

§ 969.204 *Expenses and rate of assessment for the 1957-58 fiscal year.*—(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Avocado Administrative Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, for the maintenance and functioning of such committee, in accordance with the provisions thereof, during the said fiscal year beginning April 1, 1957, and ending March 31, 1958, will amount to $13,420.00.

(b) *Rate of assessment.* The rate of assessment which each handler who first handles avocados shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said amended marketing agreement and order is hereby fixed at three cents ($0.30) per bushel, or equivalent quantity of avocados handled by such handler during the 1957-58 fiscal year.

It is hereby further found that it is impracticable and contrary to the public interest to postpone the effective time hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) the rate assessment in accordance with the provisions of the amended marketing agreement and order is applicable to all avocados handled during the aforesaid fiscal year; (2) such handling is now in progress and is subject to the regulatory provisions of Avocado Order 14 (969.314; 22 F. R. 3652); (3) it is essential that the specification of the assessment rate be issued immediately so that the aforesaid assessments may be collected and thereby enable said Administrative Committee to perform its duties and functions in accordance with said amended marketing agreement and order; and (4) no advance preparation by handlers will be needed.

Terms used in said amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 20, 1957.

[SEAL] F. R. BURKE,
Acting Deputy Administrator, Marketing Services.

[F. R. Doc. 57-5157; Filed, June 24, 1957; 8:50 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 428.1]

PART 331—POLICIES AND AUTHORITIES

TERRITORIAL SUBDIVISIONS IN PUERTO RICO

Section 331.16 of Title 6, Code of Federal Regulations (21 F. R. 10441, 10446; 22 F. R. 1269), is amended with respect to areas designated as subdivisions in Puerto Rico by (1) revoking the designation of the subdivisions named Bayamon, Carolina, and Rio Piedras, and (2) designating the following identified subdivisions:

PUERTO RICO

NAME OF SUBDIVISION	MUNICIPALITIES COMPRISING SUBDIVISION
Bayamon	Bayamon, Catano, Guaynabo, San Juan, Toa Alta, Toa Baja.
Carolina	Carolina, Rio Piedras, Trujillo Alto.

(Sec. 41, 50 Stat. 528, as amended; 7 U. S. C. 1015. Interprets or applies sec. 54, 60 Stat. 1071, as amended; 7 U. S. C. 1028)

Dated: June 19, 1957.

[SEAL] H. C. SMITH,
Acting Administrator, Farmers Home Administration.

[F. R. Doc. 57-5132; Filed, June 24, 1957; 8:46 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

Subchapter B—Trade Practice Conference Rules

[File No. 21-485]

PART 39—STEEL BOBBY PIN AND STEEL HAIR PIN MANUFACTURING INDUSTRY

PROMULGATION OF TRADE PRACTICE RULES

Due proceedings having been held under the trade practice conference procedure in pursuance of the act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission:

It is now ordered, That the Group I trade practice rules as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of June 25, 1957.

Statement by the Commission. Trade practice rules for the Steel Bobby Pin and Steel Hair Pin Manufacturing Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure.

The industry for which these rules are established is composed of persons, firms, corporations, and organizations engaged in the manufacture and sale of steel bobby pins and steel hair pins.

The rules are directed to the maintenance of free and fair competition in the industry and to the prevention and elimination of various practices deemed to be violative of laws administered by the Commission. They are to be applied to such end and to the exclusion of any acts or practices which suppress competion or otherwise restrain trade.

Proceedings for the establishment of rules were instituted pursuant to an industry application. A general trade practice conference was held in the offices of the Commission in Washington, D. C., at which rules were proposed for Commission consideration. Thereafter, a draft of proposed rules was published by the Commission and made available to all industry members and other interested or affected parties upon public notice whereby they were afforded opportunity to present their views, including such pertinent information, suggestions, amendments, or objections as they desired to offer, and to be heard in the premises. Pursuant to such notice, a public hearing was held in Washington, D. C., on April 18, 1957, and all matters there presented, or otherwise received in the proceeding, were duly considered.

Thereafter, and upon full consideration of the entire matter, final action was taken by the Commission whereby it approved the rules as hereinafter set forth.

The rules as approved become operative thirty (30) days after the date of promulgation.

The rules. These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which fixes or controls prices through combination or agreement, or which unreasonably restrains trade or suppresses competition, or otherwise unlawfully injures, destroys, or prevents competition, that the rules are to be applied.

General statement. The unfair trade practices embraced in the rules herein are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

Sec.

AUTHORITY: §§ 39.0 to 39.16 issued under sec. 6; 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45.

§ 39.0 *Definitions.* (a) The industry and its products: Products of the industry consist of steel bobby pins and steel hair pins.

(b) Members of the Industry are persons, firms, corporations, and organizations engaged in the manufacture and sale of any such products.

GROUP I

§ 39.1 *Misrepresentation and deception in general*—(a) *Misrepresentation.* It is an unfair trade practice to use, or cause or promote the use of, any statement, representation, guarantee, warranty, testimonial, or endorsement, by way of advertising (through newspapers, magazines, circulars, booklets, or by radio or any other medium), oral representation, or otherwise, which has the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public with respect to the grade, quality, quantity, substance, character, origin, type, length, size, preparation, manufacture, or distribution of any product of the industry, or in any other material respect.

(b) *Deception.* In advertising, offering for sale, or selling industry products, it is an unfair trade practice for any member of the industry to fail to disclose any material facts relating to such products when such failure has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers of such products. [Rule 1]

§ 39.2 *Imitation or simulation of trade-marks, trade names, etc.* The imitation or simulation of trade-marks, trade names, brands, or labels of competitors, with the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public, is an unfair trade practice. [Rule 2]

§ 39.3 *Inducing breach of contract.* (a) Knowingly inducing or attempting to induce the breach of existing lawful contracts between competitors and their customers or their suppliers, or interfering with or obstructing the performance of any such contractual duties or services, under any circumstance having the capacity and tendency or effect of substantially injuring or lessening present or potential competition, is an unfair trade practice.

(b) Nothing in this section is intended to imply that it is improper for any industry member to solicit the business of a customer of a competing industry member; nor is the section to be construed as in anywise authorizing any agreement, understanding, or planned common course of action by two or more industry members not to solicit business from the customers of either of them, or from customers of any other industry member. [Rule 3]

§ 39.4 *Commercial bribery.* It is an unfair trade practice for a member of the industry, directly or indirectly, to give, or offer to give, or permit or cause to be given, money or anything of value to agents, salesclerks, employees, or representatives of customers or prospective customers of an industry member, without the knowledge of the employers or principals of such agents, salesclerks, employees, or representatives, as an inducement:

(a) To influence such employers or principals to purchase or contract to purchase products manufactured or sold by the industry member; or

(b) To influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors; or

(c) For the purpose of causing said agents, salesclerks, employees, or representatives to push and promote the resale of the industry member's products over competing products being offered for resale by the employers or principals of said agents, salesclerks, employees, or representatives. (See also § 39.14.) [Rule 4]

§ 39.5 *Defamation of competitors or false disparagement of their products.* The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of the quality, grade, origin, use, construction, design, manufacture, or distribution of the products of competitors, or of their business methods, selling prices, values, credit terms, policies,

or service, is an unfair trade practice. [Rule 5]

§ 39.6 *False invoicing.* Withholding from or inserting in invoices or sales slips any statements or information by reason of which omission or insertion a false record is made, wholly or in part, of the transactions represented on the face of such invoices or sales slips, with the capacity and tendency or effect of thereby misleading or deceiving purchasers, prospective purchasers, or the consuming public, is an unfair trade practice. [Rule 6]

§ 39.7 *Prohibited forms of trade restraints (unlawful price fixing, etc.)* [1] It is an unfair trade practice for any member of the industry, either directly or indirectly, to engage in any planned common course of action, or to enter into or take part in any understanding, agreement, combination, or conspiracy, with one or more members of the industry, or with any other person or persons, to fix or maintain the price of any goods or otherwise unlawfully to restrain trade; or to use any form of threat, intimidation, or coercion to induce any member of the industry or other person or persons to engage in any such planned common course of action, or to become a party to any such understanding, agreement, combination, or conspiracy. [Rule 7]

§ 39.8 *False and misleading price quotations, etc.* It is an unfair trade practice for any industry member, in the course of or in connection with the offering for sale, sale, or distribution of industry products, to publish or circulate to or among purchasers or prospective purchasers false price quotations, price lists, or terms or conditions of sale; or to publish, or circulate among purchasers or prospective purchasers, any price quotations, price lists, or terms or conditions of sale which have the capacity and tendency or effect of thereby misleading or deceiving purchasers or prospective purchasers in any material respect. [Rule 8]

§ 39.9 *Prohibited sales below cost.* (a) The practice of selling products of the industry at a price less than the cost thereof to the seller, with the purpose or intent, and where the effect is, or where there is a reasonable probability that the effect will be, to substantially injure, suppress, or stifle competition or tend to create a monopoly, is an unfair trade practice.

(b) This section is not to be construed as prohibiting all sales below cost, but only such selling below the seller's cost as is resorted to and pursued with the wrongful intent or purpose referred to and where the effect is, or where there is a reasonable probability that the effect will be, to substantially injure, suppress, or stifle competition or to create a monopoly. Among the situations in which the requisite purpose or intent would ordinarily be lacking are cases in which such sales were: (1) Of obsolescent goods; (2) made under judicial process; or (3) made in bona fide discontinuance of business in the goods concerned.

(c) As used in paragraph (b) of this section, the term "cost" means the respective seller's cost and not an average cost in the industry whether such average cost be determined by an industry cost survey or some other method. It consists of the total outlay or expenditure by the seller in the acquisition, production, and distribution of the products involved, and comprises all elements of cost such as labor, material, depreciation, taxes (except taxes on net income and such other taxes as are not properly applicable to cost), and general overhead expenses, incurred by the seller in the acquisition, manufacture, processing, preparation for marketing, sale, and delivery of the products. Not to be included are dividends or interest on borrowed or invested capital, or nonoperating losses, such as fire losses and losses from the sale or exchange of capital assets. Operating cost should not be reduced by items of nonoperating income, such as income from investments, and gain on the sale of capital assets.

(d) Nothing in this section shall be construed as relieving an industry member from compliance with any of the requirements of the Robinson-Patman Act. [Rule 9]

§ 39.100 *Misrepresenting products as conforming to standard.* In connection with the sale or offering for sale of industry products, it is an unfair trade practice to represent, through advertising or otherwise, that such products conform to any standards recognized in or applicable to the industry when such is not the fact. [Rule 10]

§ 39.11 *Prohibited discrimination.* [2] (a) Prohibited discriminatory prices, rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination: It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce, and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however,*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and are not purchased by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use;

(2) That nothing contained in this paragraph shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

NOTE: Cost justification under the above proviso depends upon net savings in cost based on all facts relevant to the transactions under the terms of proviso (2). For example, if a seller regularly grants a discount based upon the purchase of a specified quantity by a single order for a single delivery, and this discount is justified by cost differences, it does not follow that the same discount can be cost justified if granted to a purchaser of the same quantity by multiple orders or for multiple deliveries.

(3) That nothing contained in this section shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing contained in this paragraph shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned;

(5) That nothing contained in this section shall prevent the meeting in good faith of an equally low price of a competitor.

NOTE: See subsection (b) of section 2 of the Clayton Act as amended, which is set forth in the note following paragraph (g) of this section.

(b) The following are examples of price differential practices to be considered as subject to the prohibitions of paragraph (a) of this section when involving goods of like grade and quality

[1] The inhibitions of this section are subject to Public Law 542, approved July 14, 1952—66 Stat. 632 (the McGuire Act) which provides that with respect to a commodity which bears, or the label or container of which bears, the trademark, brand, or name of the producer or distributor of such commodity and which is in free and open competition with commodities of the same general class produced or distributed by others, a seller of such a commodity may enter into a contract or agreement with a buyer thereof which establishes a minimum or stipulated price at which such commodity may be resold by such buyer when such contract or agreement is lawful as applied to intrastate transactions under the laws of the State, Territory, or territorial jurisdiction in which the resale is to be made or to which the commodity is to be transported for such resale, and when such contract or agreement is not between manufacturers, or between wholesalers, or between brokers, or between factors, or between retailers, or between persons, firms, or corporations in competition with each other.

[2] As used in this section, the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

which are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and which are not purchased by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use, and when:

(1) The commerce requirements specified in paragraph (a) of this section are present; and

(2) The price differential has a reasonable probability of substantially lessening competition or tending to create a monopoly in any line of commerce, or of injuring, destroying, or preventing competition with the industry member or with the customer receiving the benefit of the price differential, or with customers of either of them; and

(3) The price differential is not justified by cost savings (see subparagraph (2) of paragraph (a) of this section); and

(4) The price differential is not made in response to changing conditions affecting the market for or the marketability of the goods concerned (see subparagraph (4) of paragraph (a) of this section); and

(5) The lower price was not made to meet in good faith an equally low price of a competitor (see subparagraph (5) of paragraph (a) of this section).

Example A. At the end of a given period an industry member grants a discount to a customer equivalent to a fixed percentage of the total of the customer's purchases during such period and fails to grant such discount to other customers under like conditions.

Example B. An industry member sells goods to one or more of his customers at a higher price than he charges other customers for like merchandise. It is immaterial whether or not such discrimination is accomplished by misrepresentation as to the grade and quality of the products sold.

Example C. Terms of 2 percent 10 days are granted by an industry member to some customers on goods purchased by them from the industry member. Another customer or customers are, nevertheless, allowed to take a 5 percent instead of a 2 percent discount when making payment to the industry member within the time prescribed.

Example D. An industry member sells goods to one or more of his customers at a lower price than he charges other customers therefor, basing his justification for the price difference solely on the fact that the goods sold at the lower price bear the private brand name of customers.

Example E. An industry member invoices goods to all his customers at the same price but supplies additional quantities of such goods at no extra charge to one or more, but not to all, such customers; or supplies other goods or premiums to one or more, but not to all, such customers for which he makes no extra charge and which effects an actual price difference in favor of certain of his customers.

NOTE: As previously indicated, the foregoing are examples of practices to be considered violative of the prohibitions of paragraph (a) of this section when involving goods of like grade and quality and when not subject to the other exemptions, exclusions, or defenses set forth in paragraph (b) of this section.

(c) Prohibited brokerage and commissions: It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(d) Prohibited advertising or promotional allowances, etc.: It is an unfair trade practice for any member of the industry engaged in commerce to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

NOTE 1: Industry members giving advertising allowances to competing customers must exercise precaution and diligence in seeing that all of such allowances are used in accordance with the terms of their offers.

NOTE 2: When an industry member gives allowances to competing customers for advertising in a newspaper or periodical, the fact that a lower advertising rate for equivalent space is available to one or more, but not all, such customers, is not to be regarded by the industry member as warranting the retention by such customer or customers of any portion of the allowance for his or their personal use or benefit.

(e) Prohibited discriminatory services or facilities: It is an unfair trade practice for any member of the industry engaged in commerce to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities including, but not limited to, displays, exhibits, and promotional material connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

NOTE: See subsection (b) of section 2 of the Clayton Act as amended, which is set forth in the note following paragraph (g) of this section.

(f) (1) The following is presented for the purpose of clarifying the requirements of paragraphs (d) and (e) of this section with respect to the supplying of marketing services, facilities or allowances by industry members to their customers, but it is not intended to imply by such presentation that other methods which assure of proportional equality of treatment of competing customers may not also be used.

(2) An industry member may simultaneously offer to each of his customers competing in the resale of his products the same kind of proportional service, facility or allowance of a cost value equal to a uniform percentage of the sales (or purchases) of the industry member's products by each customer during a specified and identical period of time; *Provided, however,* That when the service, facility or allowance offered is of a type which under reasonable terms and conditions is not usable or suitable to the facilities and business of all customers, and is offered to any one customer, the member offer each of those customers to whom the service, facility or allowance is not usable or suitable an alternate type of promotional service, facility or allowance which is of equivalent measurable cost, is usable by the customer, and is suitable to his facilities and business, and promptly inform all competing customers of the kind and amount of services, facilities or allowances which he has offered to each and the respective terms and conditions under which such services, facilities or allowances are to be furnished by the industry member; *And provided, further,* That when the offer of any service, facility or allowance to any customer is conditioned on such customer supplying some reciprocal service, facility or payment, a reciprocal service, facility or payment be required in the offers to all other customers and there be an equality of ratio among all customers as to the measurable cost of that which is supplied by the industry member and the reciprocal service, facility or payment required of any customer. The industry member must take every reasonable precaution to see that services, facilities or allowances which he furnishes to customers are used in accord with the terms of his offer; and upon failure of the customer to perform any obligation on his part the industry member must cease supplying the customer any further service, facility or allowance.

(g) Inducing or receiving an illegal discrimination in price: It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this section.

NOTE: Paragraph (g) of this section is a restatement of section 2 (f) of the Clayton Act as amended. In a complaint proceeding under this section, in order to make out a prima facie violation, the Commission must show that the favored buyer induced or received the lower price knowing, or knowing facts from which he should have known, that such price was violative of section 2 (a) of said act and not justified under subparagraphs (2), (4), or (5) of paragraph (a) of this section. When, in any such proceeding, the issue is limited to the question of whether the price differential involved made only due allowance for differences in cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which the goods were sold and delivered, the Commission may establish a prima facie case in a number of ways, including:

(1) By showing that the buyer paying the lower price knew that the methods by, and

quantities in, which the goods were sold and delivered to him by the seller were the same as in the case of the competing buyer or buyers paying the higher price or prices; or

(2) By showing, when there is a difference in the methods or quantities in which the goods were sold and delivered by the seller to the buyer than in the case of the competing buyer or buyers paying the higher price or prices, that the buyer paying the lower price or prices knew the nature and extent of such differences and knew or should have known that they could not have resulted in sufficient cost savings of the kind and character specified as to justify the price differential.

NOTE: Section 39.11 is based on the provisions of section 2 of the Clayton Act as amended by the Robinson-Patman Act.

Subsection (b) of section 2 of the Clayton Act as amended, which reads as follows, is in amplification of the note to subparagraph (5) of paragraph (a) of this section and of the note to paragraph (e) of this section:

"Upon proof being made at any hearing on a complaint under this section, that there has been discrimination in price or services or facilities furnished, the burden of rebutting the prima facie case thus made by showing justification, shall be upon the person charged with a violation of this section, and unless justification shall be affirmatively shown, the Commission is authorized to issue an order terminating the discrimination: *Provided, however,* That nothing herein contained shall prevent a seller rebutting the prima facie case thus made by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services or facilities furnished by a competitor."

[Rule 11]

§ 39.12 *Substitution of products.* It is an unfair trade practice for an industry member to make an unauthorized substitution of products, where such substitution has the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public, by:

(a) Shipping or delivering industry products which do not conform to samples submited, to specifications upon which the sale is consummated, or to representations made prior to securing the order, without advising the purchaser of the substitution and obtaining his consent thereto prior to making shipment or delivery; or

(b) Falsely representing the reason for making a substitution. [Rule 12]

§ 39.13 *Exclusive deals.* It is an unfair trade practice for any member of the industry to contract to sell or sell any industry product, or to fix a price charged therefor, or discount from, or rebate upon, such price, on the condition, agreement, or understanding that the purchaser thereof shall not use or deal in the products of a competitor or competitors of such industry member, where the effect of such sale or contract for sale, or such condition, agreement, or understanding, may be substantially to lessen competition or tend to create a monopoly in any line of commerce. [Rule 13]

§ 39.14 *Push money.* It is an unfair trade practice for any industry member to pay or contract to pay anything of value to a salesperson employed by a customer of the industry member, as compensation for, or as an inducement to obtain, special or greater effort or service on the part of the salesperson in promoting the resale of products supplied by the industry member to the customer:

(a) When the agreement or understanding under which the payment or payments are made or are to be made is without the knowledge and consent of the salesperson's employer; or

(b) When the terms and conditions of the agreement or understanding are such that any benefit to the salesperson or customer is dependent on lottery or chance; or

(c) When any provision of the agreement or understanding requires or contemplates practices or a course of conduct unduly and intentionally hampering sales of products of competitors of an industry member; or

(d) When, because of the terms and conditions of the agreement or understanding, including its duration, or the attendant circumstances, the effect may be substantially to lessen competition or tend to create a monopoly; or

(e) When similar payments are not accorded to salespersons of competing customers on proportionally equal terms in compliance with sections 2 (d) and (e) of the Clayton Act.

NOTE: Payments made by an industry member to a salesperson of a customer under any agreement or understanding that all or any part of such payments is to be transferred by the salesperson to the customer, or is to result in a corresponding decrease in the salesperson's salary, are not to be considered within the purview of this § 39.14, but are to be considered as subject to the requirements and provisions of section 2 (a) of the Clayton Act.

[Rule 14]

§ 39.15 *Enticing away employees of competitors.* It is an unfair trade practice for any member of the industry wilfully to entice away employees or sales-contact personnel of competitors with the intent and effect of thereby unduly hampering or injuring competitors in their business and destroying or substantially lessening competition: *Provided,* That nothing in this section shall be construed as prohibiting such persons from seeking more favorable employment, or as prohibiting employers from hiring or offering employment to employees of a competitor in good faith and not for the purpose of inflicting injury on such competitor. [Rule 15]

§ 39.16 *Aiding or abetting use of unfair trade practices.* It is an unfair trade practice for any person, firm, or corporation to aid, abet, coerce, or induce another, directly or indirectly, to use or promote the use of any unfair trade practice specified in this part. [Rule 16]

Promulgated by the Federal Trade Commission June 25, 1957.

Issued: June 20, 1957.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-5126; Filed, June 24, 1957; 8:45 a. m.]

[File No. 21-472]

PART 40—ENVIRONMENTAL TESTING EQUIPMENT MANUFACTURING INDUSTRY

PROMULGATION OF TRADE PRACTICE RULES

Due proceedings having been held under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission:

It is now ordered, That the trade practice rules as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of June 25, 1957.

Statement by the Commission. Trade Practice rules for the Environmental Testing Equipment Manufacturing Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure.

The industry for which these rules are established consists fo persons, firms, corporations, and organizations engaged in the sale of equipment designed to test the reaction and performance of products under varying degrees of temperature, humidity, vibration, altitude, pressure, shock, noise, combustion, gravity, and other environmental conditions, and which is manufactured in whole or substantial part at factories maintained and operated by them. Not included are persons, firms, corporations, or organizations who merely install and/or repair such equipment.

The rules are directed to the prevention and elimination of various unfair trade practices deemed to be violative of laws administered by the Commission. They are to be applied to such end and to the exclusion of any acts or practices which suppress competition or otherwise restrain trade.

Proceedings leading to the establishment of these rules were instituted upon application of the Environmental Equipment Institute. A general industry conference was held under Commission auspices in New York City on October 19, 1956, at which proposals for rules were submitted for consideration of the Commission. Thereafter, proposed rules were published by the Commission and made available to all industry members and other interested or affected parties upon public notice whereby they were afforded opportunity to present their views, including such pertinent information, suggestions, or amendments as they desired to offer, and to be heard in the premises. Pursuant to such notice, a public hearing was held in Chicago, Illinois, on April 24, 1957, and all matters there presented, or otherwise received in the proceeding, were duly considered by the Commission.

Thereafter, and upon full consideration of the entire matter, final action was taken by the Commission whereby it approved the rules as hereinafter set forth. No Group II rules have been included for the reason that the Group II rules recommended by the industry are of a type presently the subject of general study by the Commission. If, after completion of such study, it is determined

that provisions of this type may be included as Group II rules for industries, an opportunity then will be afforded to the members of this industry to have such rules included.

The rules as approved become operative thirty (30) days after date of promulgation.

The rules. These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which fixes or controls prices through combination or agreement, or which unreasonably restrains trade or suppresses competition, or otherwise unlawful injuries, destroys, or prevents competition, that the rules are to be applied.

General statement. The unfair trade practices embraced in the rules herein are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission, and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

Sec.

COMMITTEE ON TRADE PRACTICES

AUTHORITY: §§ 40.0 to 40.201, issued under sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45.

§ 40.0 *The industry defined.* The industry for which trade practice rules are established through this proceeding consists of persons, firms, corporations, and organizations engaged in the sale of equipment designed to test the reaction and performance of products under varying degrees of temperature, humidity, vibration, altitude, pressure, shock, noise, combustion, gravity, and other environmental conditions, and which is manufactured in whole or substantial part at factories maintained and operated by them. Not included are persons, firms, corporations, or organizations who merely install and/or repair such equipment.

GROUP I

§ 40.1 *Misrepresentation and deception in general.* In connection with the distribution, sale, or offering for sale of industry equipment, it is an unfair trade practice to use, or cause or promote the use of, any trade promotional literature, advertising matter, guarantee, warranty, mark, brand, label, trade name, picture, design or device, designation, or any other type of oral or written representation, however disseminated or published, or to fail to disclose any material fact, when such representation or failure to disclose has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers in any material respect. [Rule 1]

§ 40.2 *Deceptive pricing.* (a) It is an unfair trade practice for any industry member, in the course of or in connection with the offering for sale or distribution of industry equipment, to publish or circulate, in advertising or otherwise, false or misleading price quotations, price lists, or lists stating terms or conditions of the sale or installation of industry equipment, which have the capacity and tendency or effect of thereby misleading or deceiving purchasers or prospective purchasers in any material respect.

(b) Among the practices inhibited by this section are:

(1) Misrepresenting the total cost price or expense of the complete, final, and efficient installation.

(2) Misrepresenting the need for extra parts, gadgets, or devices required for the satisfactory and efficient performance of the installation.

(3) Misrepresenting the need for maintenance or replacement of parts of such equipment after such installation has been made, or with respect to any services offered concerning maintenance of such equipment or installation. [Rule 2]

§ 40.3 *Misrepresentation as to experience and production capacity.* In connection with the sale, offering for sale, or distribution of environmental testing equipment, it is an unfair trade practice for any industry member to represent, directly or indirectly, that the member has special knowledge, experience, or facilities for designing, manufacturing, installing, or maintaining any such equipment, or has engaged in specialized study or research relating thereto, when such is not the fact. [Rule 3]

§ 40.4 *Misrepresentation of performance of equipment.* In the sale, offering for sale, or distribution of environmental testing equipment, it is an unfair trade practice to misrepresent the performance capabilities of any such equipment. [Rule 4]

§ 40.5 *Defamation of competitors or false disparagement of their equipment.* The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of competitors' equipment in any respect, or of their business methods, selling prices, values, credit terms, policies, or services, is an unfair trade practice. [Rule 5]

§ 40.6 *Substitution of equipment.* It is an unfair trade practice to make an unauthorized substitution of equipment, where such substitution has the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public, by:

(a) Shipping, delivering, or installing industry equipment that does not conform to descriptions submitted, to specifications upon which the sale is consummated, or to representations made prior to securing the order, without advising the purchaser of the substitution and obtaining his consent thereto prior to making shipment or delivery; or

(b) Falsely representing the reason for making a substitution. [Rule 6]

§ 40.7 *Misrepresenting equipment as conforming to standard.* In connection with the sale or offering for sale of industry equipment, it is an unfair trade practice to represent, through advertising or otherwise, that such equipment conforms to any standards recognized in or applicable to the industry when such is not the fact. [Rule 7]

§ 40.8 *Inducing breach of contract.* (a) Knowingly inducing or attempting to induce the breach of existing lawful contracts between competitors and their customers or their suppliers, or interfering with or obstructing the performance of any such contractual duties or services, under any circumstance having the capacity and tendency or effect of substantialy injuring or lessening present or potential competition, is an unfair trade practice.

(b) Nothing in this section is intended to imply that it is improper for any industry member to solicit the business of a customer of a competing industry member; nor is the section to be construed as in anywise authorizing any agreement, understanding, or planned common course of action by two or more industry members not to solicit business from the customers of either of them, or from the customers of any other industry member. [Rule 8]

§ 40.9 *Commercial bribery.* It is an unfair trade practice for a member of the industry, directly or indirectly, to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase equipment sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the equipment of competitors or from dealing or contracting to deal with competitors, or to effect any other advantage in favor of the industry member making such gift or offer with respect to the sale of industry equipment to such employers or principals.

NOTE: Section 40.9 will be construed to embrace both direct and indirect bribery

of elected or appointed public officials and employees or agents of municipal, county, parish, or state governments, or of the Federal Government, or of any branch or division thereof, by any industry member in connection with the sale or offering for sale of industry equipment, but it cannot and does not limit the application of any other pertinent Federal or State law.

[Rule 9]

§ 40.10 *Prohibited forms of trade restraints.*[1] It is an unfair trade practice, either directly or indirectly, to engage in any planned common course of action, or to enter into or take part in any understanding, agreement, combination, or conspiracy, with one or more industry members, or with any other person or persons, to fix or maintain the price of any goods or otherwise unlawfully to restrain trade; or to use any form of threat, intimidation, or coercion to induce any member of the industry or other person or persons to engage in any such planned common course of action, or to become a party to any such understanding, agreement, combination, or conspiracy. [Rule 10]

§ 40.11 *Guarantees, warranties, etc.* (a) It is an unfair trade practice to represent, in advertising or otherwise, that any industry equipment is "guarantee" unless the nature and extent of such guarantee is conjunctively disclosed and without deceptively minimizing the terms and conditions relating to the obligation of the guarantor.

(b) It is also an unfair trade practice to use, or cause to be used, any guarantee in which the obligations of the guarantor are impracticable of fulfillment, or in respect to which the guarantor fails or refuses to observe his liabilities thereunder.

(c) This section shall be applicable not only to guarantees but also to warranties, to purported guarantees and warranties, and to any promise or representation in the nature of a guarantee or warranty. [Rule 11]

§ 40.12 *Enticing away employees of competitors.* It is an unfair trade practice wilfully to entice away employees or sales representatives of competitors with the intent and effect of thereby unduly hampering or injuring competitors in their business and destroying or substantially lessening competition: *Provided,* That nothing in this section shall be construed as prohibiting employees from seeking more favorable employment, or as prohibiting employers from hiring or offering employment to employees of competitors in good faith and not for the purpose of injuring, destroying, or preventing competition. [Rule 12]

§ 40.13 *Prohibited sales below cost.* (a) The practice of selling industry equipment at a price less than the cost thereof to the seller, with the purpose or intent, and where the effect is, or where there is a reasonable probability that the effect will be, to substantially injure, suppress, or stifle competition or tend to create a monopoly, is an unfair trade practice.

(b) This section is not to be construed as prohibiting all sales below cost, but only such selling below the seller's cost as is resorted to and pursued with the wrongful intent or purposes referred to and where the effect is, or where there is a reasonable probability that the effect will be, to substantially injure, suppress, or stifle competition or to create a monopoly. Among the situations in which the requisite purpose or intent would ordinarily be lacking are cases in which such sales were (1) of seasonal goods near the conclusion of the season; (2) of perishable goods in respect to which deterioration is imminent; (3) of obsolescent goods; (4) made under judicial process; or (5) made in bona fide discontinuance of business in the goods concerned.

(c) As used in paragraphs (a) and (b) of this section, the term "cost" means the respective seller's cost and not an average cost in the industry whether such average cost be determined by an industry cost survey or some other method. It consists of the total outlay or expenditure by the seller in the acquisition, production, and distribution of the equipment involved, and comprises all elements of cost such as labor, material, depreciation, taxes (except taxes on net income and such other taxes as are not properly applicable to cost), and general overhead expenses, incurred by the seller in the acquisition, manufacture, processing, preparation for marketing, sale, delivery, and installation of the equipment. Not to be included are dividends or interest on borrowed or invested capital, or nonoperating losses, such as fire losses and losses from the sale or exchange of capital assets. Operating cost should not be reduced by items of nonoperating income, such as income from investments, and gain on the sale of capital assets.

(d) Nothing in this section shall be construed as relieving an industry member from compliance with any of the requirements of the Robinson-Patman Act. [Rule 13]

§ 40.14 *Prohibited discrimination*[2]— (a) *Prohibited discriminatory prices, rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce, and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however:*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and are not purchased by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use;

(2) That nothing contained in this paragraph shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

NOTE: Cost justification under the above proviso depends upon net savings in cost based on all facts relevant to the transactions under the terms of proviso (2). For example, if a seller regularly grants a discount based upon the purchase of a specified quantity by a single order for a single delivery, and this discount is justified by cost differences, it does not follow that the same discount can be cost justified if granted to a purchaser of the same quantity by multiple orders or for multiple deliveries.

(3) That nothing contained in this section shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing contained in this paragraph shall prevent price changes from time to time where made in response to changing conditions affecting

[1] The inhibitions of this section are subject to Public Law 542, approved July 14, 1952—66 Stat. 632 (the McGuire Act) which provides that with respect to a commodity which bears, or the label or container of which bears, the trade-mark, brand, or name of the producer or distributor of such commodity and which is in free and open competition with commodities of the same general class produced or distributed by others, a seller of such a commodity may enter into a contract or agreement with a buyer thereof which establishes a minimum or stipulated price at which such commodity may be resold by such buyer when such contract or agreement is lawful as applied to intrastate transactions under the laws of the State, Territory, or territorial jurisdiction in which the resale is to be made or to which the commodity is to be transported for such resale, and when such contract or agreement is not between manufacturers, or between wholesalers, or between brokers, or between factors, or between retailers, or between persons, firms, or corporation in competition with each other.

[2] As used in this section, the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

the market for or the marketability of the goods concerned, such as but not limited to obsolescence of seasonal goods, actual or imminent deterioration of perishable goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned;

(5) That nothing contained in this section shall prevent the meeting in good faith of an equally low price of a competitor.

NOTE: See subsection (b) of section 2 of the Clayton Act as amended, which is set forth in the note following paragraph (e) of this section.

(b) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, for any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

NOTE: See subsection (b) of section 2 of the Clayton Act as amended, which is set forth in the note following paragraph (e) of this section.

(e) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this section.

NOTE: Paragraph (e) of this section is a re-statement of section 2 (f) of the Clayton Act as amended. In a complaint proceeding under this section, in order to make out a prima facie violation, the Commisison must show that the favored buyer induced or received the lower price knowning, or knowing facts from which he should have known, that such price was violative of section 2 (a) of said act and not justified under subparagraphs (2), (4) or (5) of paragraph (a) of this section.

When, in any such proceeding, the issue is limited to the question of whether the price differential involved made only due allowance for differences in cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which the goods were sold and delivered, the Commission may establish a prima facie case in a number of ways, including:

(1) By showing that the buyer paying the lower price knew that the methods by, and quantities in, which the goods were sold and delivered to him by the seller, were the same as in the case of the competing buyer or buyers paying the higher price or prices; or

(2) By showing, when there is a difference in the methods or quantities in which the goods were sold and delivered by the seller to the buyer than in the case of the competing buyer or buyers paying the higher price or prices, that the buyer paying the lower price or prices knew the nature and extent of such differences and knew or should have known that they could not have resulted in sufficient cost savings of the kind and character specified as to justify the price differential.

NOTE: Section 40.14 is based on the provisions of section 2 of the Clayton Act as amended by the Robinson-Patman Act.

Subsection (b) of section 2 of the Clayton Act as amended, which reads as follows, is in amplification of the note to subparagraph (5) of paragraph (a) of this section and of the note to paragraph (d) of § 40.14:

"Upon proof being made, at any hearing an a complaint under this section, that there has been discrimination in price or services or facilities furnished, the burden of rebutting the prima facie case thus made by showing justification shall be upon the person charged with a violation of this section, and unless justification shall be affirmatively shown, the Commission is authorized to issue an order terminating the discrimination: *Provided, however,* That nothing herein contained shall prevent a seller rebutting the prima facie case thus made by showing that the lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services or facilities furnished by a competitor.

[Rule 14]

§ 40.15 *Exclusive deals.* It is an unfair trade practice for any member of the industry to contract to sell or sell any industry equipment, or fix a price charged therefore, or discount from, or rebate upon, such price, upon the condition, agreement, or understanding that the purchaser thereof shall not use or deal in the equipment of a competitor or competitors of such industry member, where the effect of such sale or contract for sale, or of such condition, agreement, or understanding, may be substantially to lessen competition or tend to create a monopoly in any line of commerce. [Rule 15]

§ 40.16 *Aiding or abetting use of unfair trade practices.* It is an unfair trade practice for any person, firm, or corporation to aid, abet, coerce, or induce another, directly or indirectly, to use or promote the use of any unfair trade practice specified in the rules in this part. [Rule 16]

COMMITTEE ON TRADE PRACTICES

§ 40.201 *Industry committee.* The provisions of § 16.1 of this subchapter shall be applicable to an industry committee established under this part.

Promulgated by the Federal Trade Commission June 25, 1957.

Issued: June 20, 1957.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-5127; Filed, June 24, 1957; 8:45 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54377]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO REDUCED RATE, ETC.

STRATEGIC MATERIALS OBTAINED BY BARTER OR EXCHANGE

For the purpose of prescribing the procedure and requirement for entry, or withdrawal from warehouse free of duty of strategic materials acquired by the Commodity Credit Corporation by barter or exchange of agricultural commodities or products, as provided for by section 206 (b), Agricultural Act of 1956 (7 U. S. C. 1856 (b)), the following amendments are made to the Customs Regulations.

Part 10 is amended to add a new center head and section to read as follows:

STRATEGIC MATERIALS OBTAINED BY BARTER OR EXCHANGE

§ 10.110 *Strategic materials acquired as a result of barter or exchange of agricultural commodities or products.* (a) Upon notification by the Commodity Credit Corporation, or by another government agency designated by the Commodity Credit Corporation to act for it, of the name of an importer who has contracted with the Commodity Credit Corporation to barter or exchange agricultural products for strategic materials, and a description identifying a shipment to be made in compliance with such a contract, the collector shall accept an entry covering such shipment for the account of the importer claiming exemption from duty under section 206 (b) of the Agricultural Act of 1956 (7 U. S. C. 1856 (b)).[103] Upon submission to the collector of a certificate executed in the following form, the entry shall be liquidated free of duty under authority of 7 U. S. C. 1856 (b):

I hereby certify that the above described materials covered by this certificate are stra-

[103] "Strategic materials acquired by the Commodity Credit Corporation as a result of barter or exchange of agricultural commodities or products may be entered, or withdrawn from warehouse, free of duty." (7 U. S. C. 1856 (b)).

tegic materials acquired by the Commodity Credit Corporation as a result of barter or exchange of agricultural commodities or products as provided for in section 303 of the Agricultural Trade Development and Assistance Act of 1954 (7 U. S. C. 1692). Free entry under the provisions of section 206 (b) of the Agricultural Act of 1956 (7 U. S. C. 1856 (b)) is claimed.

(Name)

(Title)

Who has been designated by Commodity Credit Corporation, or other government agency, under authority from the Commodity Credit Corporation, to make claim for free entry, and to execute certifications necessary to establish the right to exemption from duty.

(b) When the certification set forth in paragraph (a) of this section is not on a copy of the entry form, it must clearly and unmistakably identify the material covered by the entry.

(Sec. 206 (b), 70 Stat. 200; 7 U. S. C. 1856 (b)) (R. S. 161, 251, 5 U. S. C. 22, 19 U. S. C. 66)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: June 17, 1957.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 57-5138; Filed, June 24, 1957; 8:47 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter C—Drugs

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the regulations for tests and methods of assay and certification of antibiotic and antibiotic-containing drugs (21 CFR Parts 141c, 146c; 21 CFR 1956 Supp., 141c.222, 141c.229; 146c.222, 146c.229; 22 F. R. 3111) are amended as indicated below:

1. Section 141c.222 is amended in the following respects:

a. The section headnote is changed to read: § 141c.222 *Tetracycline hydrochloride oral suspension (tetracycline hydrochloride homogenized mixture); tetracycline phosphate complex oral suspension (tetracycline phosphate complex oral drops); tetracycline hydrochloride oral solution; tetracycline calcium oral suspension; tetracycline oral suspension.*

b. Paragraph (b) is amended to read as follows:

(b) *Moisture.* If it is tetracycline hydrochloride oral suspension, tetracycline oral suspension, tetracycline hydrochloride oral solution, or tetracycline phosphate complex oral suspension, proceed as directed in § 141a.7 of this chapter.

2. Section 141c.229 is amended in the following respects:

a. The section headnote is changed to read: § 141c.229 *Tetracycline-nystatin oral suspension; tetracycline phosphate complex-nystatin oral suspension (tetracycline phosphate complex-nystatin oral drops).*

b. Paragraph (a) (1) is changed to read as follows:

(1) *Tetracycline or tetracycline phosphate complex content.* Proceed as directed in § 141c.222 (a). Its content of tetracycline or tetracycline phosphate complex is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

3. Section 146c.222 is amended in the following respects:

a. The section headnote and paragraph (a) are changed to read as follows:

§ 146c.222 *Tetracycline hydrochloride oral suspension (tetracycline hydrochloride homogenized mixture); tetracycline phosphate complex oral suspension (tetracycline phosphate complex oral drops); tetracycline hydrochloride oral solution; tetracycline calcium oral suspension; tetracycline oral suspension—(a) Standards of identity, strength, quality, and purity.* Tetracycline hydrochloride oral suspension, tetracycline hydrochloride oral solution, and tetracycline calcium oral suspension are tetracycline hydrochloride or tetracycline calcium prepared from tetracycline hydrochloride. Tetracycline oral suspension and tetracycline phosphate complex oral suspension are prepared from tetracycline or tetracycline phosphate complex. Each drug contains one or more suitable and harmless suspending and dispersing agents (unless it is tetracycline hydrochloride oral solution), with or without one or more suitable sulfonamides, and with or without one or more suitable and harmless colorings, flavorings, buffer substances, and preservatives, suspended or dissolved in a suitable and harmless vehicle. If it is tetracycline hydrochloride oral suspension, tetracycline oral suspension, or tetracycline phosphate complex oral suspension, it may contain one or more suitable and harmless vitamin substances. Each milliliter shall contain not less than the equivalent of 25 milligrams of tetracycline hydrochloride. Its moisture content is not more than 2 percent if it is tetracycline hydrochloride oral suspension, tetracycline phosphate complex oral suspension, or tetracycline oral suspension and not more than 7 percent if it is tetracycline hydrochloride oral solution. Its pH is not less than 2.0 and not more than 3.5 if it is tetracycline hydrochloride oral solution and not less than 7.0 and not more than 8.0 if it is tetracycline calcium oral suspension. The tetracycline hydrochloride used conforms to the standards prescribed by § 146c.218 (a), except § 146c.218 (a) (2), (4), and (5). The tetracycline phosphate complex used conforms to the standards prescribed by § 146c.232 (a). The tetracycline used conforms to the standards prescribed by § 146c.220 (a). Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

b. In paragraph (c) *Labeling,* subparagraph (1) (v) is amended by inserting after the words "except that if it contains" the words "tetracycline phosphate complex or".

c. Paragraph (c) (3) (i) is changed to read as follows:

(i) If it is tetracycline hydrochloride oral suspension or tetracycline oral suspension or tetracycline phosphate complex oral suspension, and it contains one or more vitamin substances or sulfonamides, after the name "tetracycline hydrochloride oral suspension," "tetracycline oral suspension," or "tetracycline phosphate complex oral suspension," wherever it appears, the words "with sulfonamide(s)" or "with vitamin ____," the blank being filled with the name of the vitamin ingredient used, or "with vitamins," if it contains more than one vitamin ingredient, in juxtaposition with such name.

d. In paragraph (d) *Request for certification* * * *, subparagraph (1) is amended by changing the words "or tetracycline" to read, "tetracycline, or tetracycline phosphate complex".

e. Paragraph (d) (2) (i), (ii) and (3) (ii) are amended to read as follows:

(2) * * *

(i) The batch: Average potency per milliliter, average moisture if it is tetracycline hydrochloride oral suspension, tetracycline oral suspension, tetracycline phosphate complex oral suspension, or tetracycline hydrochloride oral solution, and pH if it is tetracycline hydrochloride oral solution or tetracycline calcium oral suspension.

(ii) The tetracycline hydrochloride, tetracycline, or tetracycline phosphate complex used in making the batch: Potency, toxicity, moisture, pH, crystallinity, and extinction coefficient; and if it is tetracycline phosphate complex, solubility.

* * * * *

(3) * * *

(ii) The tetracycline hydrochloride, tetracycline, or tetracycline phosphate complex used in making the batch: 10 packages, each containing approximately equal portions of not less than 60 milligrams, packaged in accordance with the requirements of § 146c.201 (b).

4. Section 146c.229 is amended in the following respects:

a. The section headnote and the introductory paragraph are changed to read as follows:

§ 146c.229 *Tetracycline-nystatin oral suspension; tetracycline phosphate complex-nystatin oral suspension (tetracycline phosphate complex-nystatin oral*

drops). Tetracycline-nystatin oral suspension and tetracycline phosphate complex-nystatin oral suspension are suspensions that conform to all the requirements and procedures prescribed by § 146c.222 for tetracycline oral suspension or tetracycline phosphate complex oral suspension, except that:

b. Paragraph (b) is changed to read as follows:

(b) In addition to the labeling prescribed for tetracycline oral suspension and tetracycline phosphate complex oral suspension, each package shall bear on its label or labeling the number of units of nystatin in each milliliter of the batch.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: June 19, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57-5147; Filed, June 24, 1957; 8:48 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

ZION AND BRYCE CANYON NATIONAL PARKS

Paragraphs (a), (b), and (c) of § 20.10 *Zion and Bryce Canyon National Parks* are amended as follows:

(a) *Limitations on load, weight, and size of vehicles*—(1) *Maximum size of vehicles.*

	Feet
Total width of vehicle, including load	8
Total width of farm tractor	9
Total height of vehicle with load	14
Total length of single vehicle	45
Total length of combinations of vehicles	60

A truck tractor and semi-trailer is considered to be a combination of two vehicles. No vehicle or combination of vehicles shall carry any load extending more than three feet beyond the front of the vehicle.

(2) *Maximum weights of vehicles.* (i) No motor vehicle equipped with pneumatic tires shall be driven on any highway in the park with a maximum gross weight in excess of 9,500 pounds on one wheel, 18,000 on any one axle; and subject to this axle load limitation, no vehicle shall be operated whose total gross weight, with load, exceeds that given by formula W equals 750 (L plus 40) where the W is the total gross weight in pounds, and L is the distance between the first and last axles of the vehicle or combination of vehicles, in feet. An axle load shall be defined as the total load on all wheels whose centers may be included between two parallel transverse vertical planes 40 inches apart.

(ii) No motor vehicle equipped with solid rubber tires shall be operated on any highway with maximum gross weights in excess of 75 percent of the weights prescribed for vehicles equipped with pneumatic tires.

(iii) The load on any wheel of any vehicle equipped with metal tires shall not exceed 400 pounds per inch in width of tire.

(b) *Limitation on hours for trucking.* Any vehicle, whether loaded or unloaded, for which the manufacturer's rated capacity is over three tons, may be driven over the highways in Zion National Park only during the hours 10 p. m. to 6 a. m. daily.

(c) *Convoy required; convoy fee.* No vehicle, including any load or equipment thereon, which exceeds 8 feet in width, or exceeds 10 feet 6 inches in height, or exceeds 35 feet in length single or 55 feet in length combination, may be driven over the highways in Zion National Park except under convoy by the Chief Ranger or some person acting under his authority. Drivers or owners of vehicles will not control the traffic except under the direction of the Chief Ranger or other person acting under his authority. For providing the required convoy service a convoy fee of $5 per single trip shall be charged for each vehicle or combination of vehicles, including vehicles entitled to waiver of the automobile permit fee in accordance with § 13.15 (d) (2) of this chapter. For vehicles not entitled to such waiver the convoy fee shall be in addition to the automobile permit fee.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 21st day of May 1957.

PAUL R. FRANKE,
Superintendent,
Zion National Park.

[F. R. Doc. 57-5125; Filed, June 24, 1957; 8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments are effective July 1, 1957:

PART 122—REGISTRATION

Section 122.4 *Fees* is amended to read as follows:

§ 122.4 *Fees*—(a) *Postal Union mail.* All countries except Canada, 50 cents. To Canada 50 cents for liability up to $10, and 75 cents for liability up to $25. Free registration is available for articles entitled to free postage under § 111.1 (c) (4) of this chapter, but without right to indemnity.

(b) *Parcel post.*

Country	Liability	Registry fee
Azores	$10.00	$0.50
Azores	$50.00 (maximum)	.75
Belgian Congo	None	.50
Bermuda	None	.50
British Honduras	None	.50
Cape Verde Islands	$10.00	.50
Cape Verde Islands	$16.33 (maximum)	.75
Cuba	$10.00 (maximum)	.50
Ecuador	$10.00	.50
Ecuador	$50.00 (maximum)	.75
Jamaica	None	.50
Liberia	None	.50
Madeira Islands	$10.00	.50
Madeira Islands	$50.00 (maximum)	.75
Portugal	$10.00	.50
Portugal	$50.00 (maximum)	.75
Portuguese West Africa	$10.00	.50
Portuguese West Africa	$16.33 (maximum)	.75
Trinidad and Tobago	None	.50
Turks Islands	None	.50

NOTE: See § 152.2 of this chapter for indemnity provisions.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

PART 123—INSURANCE

In § 123.3 *Fees and limits of insurance* make the following changes:

1. In paragraph (a), amend the fees applicable to "Canada Only" to read as follows:

CANADA ONLY

Indemnity:	Fee
$0.01 to $10	$0.10
$10.01 to $50	.20
$50.01 to $100	.30
$100.01 to $200	.40

2. In paragraph (b) (1), make the following changes in the table of countries:

a. Insert in proper order "Ghana", with a limit of insurance of $80.00.

b. Strike out "Gold Coast Colony."

c. Strike out "Morocco, Tangier: British Post Office, Spanish Post Office."

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

PART 125—SPECIAL DELIVERY (EXPRÉS)

a. In § 125.1 *Availability* amend the first sentence to read as follows: "See 'special delivery' under individual country items in the Directory of International Mail for countries with which special delivery (exprés) service is in force."

b. In § 125.3 *Payment* make the following changes:

1. Amend paragraph (a) to read as follows:

(a) *Fees.*

Class of mail	Weight		
	Not more than 2 pounds	More than 2 but not more than 10 pounds	More than 10 pounds
Letters, letter-packages, post cards, and air mail other articles	Cents 30	Cents 45	Cents 60
Surface, other articles	45	55	70

2. Amend paragraph (b) to read as follows:

(b) *How paid.* The special-delivery fees may be prepaid by special-delivery stamps or ordinary postage stamps. Air mail stamps may be used in the case of articles sent by air. Special-delivery stamps may be used only for payment of special-delivery fees. Special-delivery fees must be prepaid in addition to the regular postage.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

PART 126—SPECIAL HANDLING

In § 126.2 *Fees* amend the table of fees to read as follows:

Weight	*Fee (cents)*
Not more than 2 pounds	25
More than 2 pounds but not more than 10 pounds	35
More than 10 pounds	50

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

PART 127—RECALL AND CHANGE OF ADDRESS

a. In § 127.1 *Conditions and limitations* amend paragraph (a) to read as follows:

(a) The country of destination of the article must be willing to allow such withdrawal or change of address. (See § 127.3.)

b. In § 127.2 *How to proceed* amend paragraph (c) to read as follows:

(c) *If dispatched from the United States.* If the article has been actually dispatched from the United States, you must apply at the post office at which the article was mailed, where you must identify yourself, furnish a facsimile of the address of the article, and pay (by postage stamps affixed to your application) a fee of 50 cents. If the request is to be sent by air mail or telegraph or cable, you must pay, in addition, the air mail rate or telegraph or cable charges. In this case, your application must be accompanied by sufficient postage to prepay the air mail rate or by a remittance to cover the telegraph or cable charges at the usual rate. See § 127.3 (c) regarding the statement to be furnished when your article is addressed to a country which does not generally accept requests for withdrawal or change of address.

c. In § 127.3 *Countries not permitting* make the following changes:

1. Amend paragraph (a) to read as follows:

(a) *For Postal Union mail.* The legislation of the following countries does not allow senders of postal union articles to withdraw them from the mails or to change their address: Aden, Australia, Barbados, British Honduras, Brunei, Burma, Canada, Cyprus, Gambia, Gibraltar, Great Britain and Northern Ireland, Hong Kong, India, Ireland, Leeward Islands (except Antigua), Malaya, Malta, New Zealand (permits only requests for return), Nigeria, North Borneo, Pakistan, Persian Gulf Ports, Rhodesia and Nyasaland, St. Helena, Sarawak, Seychelles, Sierra Leone, Solomon Islands, Somalia, South-West Africa, Trinidad and Tobago, Union of South Africa, and Windward Islands (except Dominica).

2. Add new paragraph (c) to read as follows:

(c) *Applications accepted.* Applications involving the countries named in paragraphs (a) and (b) of this section will be received and acted on, subject to the conditions prescribed in § 127.2 (c), if you will furnish a written statement giving your reasons for the request. Compliance with the request is discretionary with the postal administration of the country of destination.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

PART 128—CERTIFICATES OF MAILING

a. Section 128.1 *Nature and issuance* is amended to read as follows:

§ 128.1 *Nature and issuance.* You can obtain a certificate of mailing at the post office where you mail any postal union article or parcel-post package. Certificates of mailing issued for oridinary articles or parcels do not give any right to indemnity or proof of delivery. They are issued on Form 3817, firm mailing books, the Treasury Department forms mentioned in § 128.3, or the Agriculture Department certificates mentioned in § 128.4 and Part 165 of this chapter.

b. Section 128.2 *Preparation and charges* is amended to read as follows:

§ 128.2 *Fees*—(a) *Individually listed pieces.*

Original certificate for ordinary postal union or parcel post: 5¢ for each piece described.
Each additional copy of original certificate of mailing or original mailing receipt for registered or insured mail: 2¢ for each piece described.

(b) *Identical pieces of Postal Union mail.*

Certificate covering:	
Up to 1,000 (one certificate for total number)	$0.25
Each additional 1,000 pieces, or fraction	.05
Duplicate copy	.05

c. Section 128.5 *Preparation and payment of fees* is added, to read as follows:

§ 128.5 *Preparation and payment of fees.* You must prepare your certificate of mailing and pay the charges in the same manner as prescribed in the domestic service (see §§ 55.3, 55.4, and 55.5 of this chapter), regardless of the form on which the certificate is prepared.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

PART 165—AGRICULTURE DEPARTMENT REGULATIONS

a. In § 165.1 *Dried whole eggs* amend the second sentence of paragraph (c) by striking out "3 cents" and inserting in lieu thereof "5 cents".

b. In § 165.2 *Tobacco seed and plants* amend the first sentence of paragraph (d) by striking out "3 cents" and inserting in lieu thereof "5 cents".

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

[SEAL] ABE MCGREGOR GOFF,
General Counsel.

[F. R. Doc. 57-5175; Filed, June 24, 1957; 8:50 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 57-29]

CARGO TANKS FOR LIQUEFIED INFLAMMABLE GASES AND ANHYDROUS AMMONIA, STOWAGE OF BALED COTTON, AND USE OF EQUIVALENTS OR ALTERNATIVE PROCEDURES RESPECTING DANGEROUS CARGOES

Notices regarding proposed changes in the navigation and vessel inspection regulations were published in the FEDERAL REGISTER dated March 7, 1957 (22 F. R. 1433-1439), March 28, 1957 (22 F. R. 2047), and May 4, 1957 (22 F. R. 3185, 3186), as Items I through XVIII of the Agenda to be considered by the Merchant Marine Council. Pursuant to these notices a public hearing was held on May 7, 1957, by the Merchant Marine Council at Washington, D. C. This document is the third of a series covering the regulations considered at this public hearing. The first document (CGFR 57-26) deals with inspection of cargo gear on passenger, cargo, and miscellaneous vessels. The second document (CGFR 57-27) deals with lifesaving, fire protection, and grain loading requirements for passenger, cargo, and miscellaneous vessels.

All the comments, views, and data submitted in connection with the items considered by the Merchant Marine Council at this public hearing have been very helpful to the Coast Guard and are very much appreciated. However, no comments were received regarding the following items considered at the public hearing held May 7, 1957, which are, therefore, adopted and included in this document:

Item XVII—Liquefied Inflammable Gases

Item XVIII—Dangerous Cargo Regulations

Because the amendments in this document are interpretations of regulations, or provide alternates or relaxations of existing requirements, it is hereby found that compliance with the Administrative Procedure Act respecting effective date requirements of regulations is unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), Treasury Department Order 167-14, dated November 26, 1954 (19 F. R. 8026), and Treasury Department Order CGFR 56-28, dated July 24, 1956 (21 F. R. 5659), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments are prescribed and shall become effective on the date of publication of this document in the FEDERAL REGISTER:

Subchapter D—Tank Vessels

PART 30—GENERAL PROVISIONS

SUBPART 30.10—DEFINITIONS

Section 30.10–39 is amended to read as follows:

§ 30.10–39 *Liquefied inflammable gas—TB/ALL.* The term "Liquefied inflammable gas" means any inflammable gas having a Reid vapor pressure exceeding 40 pounds which has been compressed and liquefied for the purpose of transportation.

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U. S. C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 675, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

PART 38—LIQUEFIED INFLAMMABLE GASES

SUBPART 38.05—DESIGN AND INSTALLATION OF CARGO TANKS

1. Section 38.05–1 is amended by revising paragraphs (b), (c), and (e) to read as follows:

§ 38.05–1 *Design and construction—TB/ALL.* * * *

(b) Unlagged cargo tanks subject to atmospheric temperatures shall be designed for a pressure not less than the vapor pressure of the gas at 115° F., in pounds per square inch gage, but for not less than 30 pounds per square inch gage.

(c) Where cargo tanks are lagged as required by § 38.05–20, the tanks shall be designed for a pressure of not less than the vapor pressure of the gas at 105° F., in pounds per square inch gage, but for not less than 30 pounds per square inch gage.

* * * * *

(e) The shell and head thickness of cargo tanks shall be not less than 5/16 inch.

SUBPART 38.10—PIPING, VALVES, FITTINGS, AND ACCESSORY EQUIPMENT

2. Section 38.10–1 (c) is amended to read as follows:

§ 38.10–1 *Valves, fittings and accessories—TB/ALL.* * * *

(c) Each tank shall be provided with the necessary fill and discharge liquid and vapor shut-off valves, safety relief valves, liquid level gaging devices, thermometer well and pressure gage, and shall be provided with suitable access for convenient operation. Connections to tanks installed below the weather deck shall be made to a trunk or dome extending above the weather deck. Tanks installed on hopper barges shall have all pipe connections attached to the top of the tanks. Connections to the tanks shall be protected against mechanical damage and tampering. Other openings in the tanks, except as specifically permitted by this subchapter, are prohibited.

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U. S. C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 675, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

Subchapter N—Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels

PART 146—TRANSPORTATION OR STOWAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

SUBPART—GENERAL REGULATIONS

1. Part 146 is amended by inserting a new section designated § 146.02–25 at the end of this subpart, which reads as follows:

§ 146.02–25 *Conditions under which equivalents or alternative procedures may be used.* (a) When in this subchapter it is provided that a particular fitting, appliance, apparatus, equipment, or container, or type thereof, shall be fitted or carried in a vessel, or that any particular arrangement shall be adopted, the Commandant may accept in substitution therefor any other fitting, apparatus, equipment, or container, or type thereof, or any other arrangement: *Provided,* That he shall have been satisfied by suitable trials or tests that the fitting, appliance, apparatus, equipment, or container, or type thereof, or the arrangement is at least as effective as that specified in this subchapter.

(b) In any case where it is shown to the satisfaction of the Commandant that the use of any particular equipment, apparatus, container, or arrangement not specifically required by law is unreasonable or impracticable, the Commandant may permit the use of alternate equipment, apparatus, container, or arrangement to such an extent and upon such conditions as will insure, to his satisfaction, a degree of safety consistent with the minimum standards set forth in this subchapter.

(c) When the procedures, designs, or methods of stowage or construction are submitted for approval the Commandant is authorized to act regarding the approval or disapproval of such new developments for which no regulations have been provided.

SUBPART—DETAILED REGULATIONS GOVERNING COMPRESSED GASES

2. Section 146.24–85 is amended by revising paragraphs (f) (1) and (h) (2) to read as follows:

§ 146.24–85 *Anhydrous ammonia in bulk.* * * *

(f) *Lagging.* (1) Lagged tanks shall be covered with an incombustible insulation material of a thickness to provide a thermal conductance of not more than 0.075 B. t. u. per square foot per degree F. differential in temperature per hour. The insulating material shall be of an approved type complying with the requirements of Subpart 164.009 of Subchapter Q (Specifications) of this chapter, and shall be given a vapor proof coating with fire retardant material acceptable to the Commandant. Tanks exposed to the weather shall have the insulation and vapor proof coating covered with a removable sheet metal jacket of not less than 0.083 inch thickness and flashed around all openings so as to be weather tight. Materials other than sheet metal may be used to cover the insulation and vapor proof coating when specifically authorized by the Commandant.

* * * * *

(h) *Valves, fittings, and accessories.* * * *

(2) Each tank shall be provided with the necessary fill and discharge liquid and vapor shut-off valves, safety relief valves, liquid level gaging devices, thermometer well and pressure gage, and shall be provided with suitable access for convenient operation. Connections to tanks installed below the weather deck shall be made to a trunk or dome extending above the weather deck. Tanks installed on hopper barges shall have all pipe connections attached to the top of the tanks. Connections to the tanks shall be protected against mechanical damage and tampering. Other openings in the tanks, except as specifically permitted by this part, are prohibited.

SUBPART—DETAILED REGULATIONS GOVERNING HAZARDOUS ARTICLES

3. Section 146.27–25 (b) (9) is amended to read as follows:

§ 146.27–25 *Requirements and conditions for loading, stowing, and transporting baled cotton.* * * *

(b) *Conditions of acceptance and stowage.* * * *

(9) 'Tween deck hatches in holds in which cotton is stowed shall be closed off with hatch covers, tarpaulins, and dunnage, except that metal hatch covers which are effectively sealed by other means to provide equivalent protection may be considered to fulfill this requirement.

(R. S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U. S. C. 375, 416, 170. Interprets or applies sec. 3, 68 Stat. 675, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

Dated: June 18, 1957.

[SEAL] J. A. HIRSHFIELD,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 57–5137; Filed, June 24, 1957; 8:47 a. m.]

[CGFR 57–30]

PART 32—SPECIAL EQUIPMENT, MACHINERY, AND HULL REQUIREMENTS

SUBPART 32.40—ACCOMMODATIONS

CREW ACCOMMODATIONS ON TANK SHIPS

Notices regarding proposed changes in the navigation and vessel inspection regulations were published in the FEDERAL REGISTER dated March 7, 1957 (22 F. R. 1433–1439), March 28, 1957 (22 F. R. 2047), and May 4, 1957 (22 F. R. 3185, 3186), as Items I through XVIII of the Agenda to be considered by the Merchant Marine Council. Pursuant to these notices a public hearing was held on May 7, 1957, by the Merchant Marine

Council at Washington, D. C. This document is the fourth of a series covering the regulations considered at this public hearing. The first document (CGFR 57–26) deals with inspection of cargo gear on passenger, cargo, and miscellaneous vessels. The second document (CGFR 57–27) deals with lifesaving, fire protection, and grain loading requirements for passenger, cargo and miscellaneous vessels. The third document (CGFR 57–29) deals with cargo tanks for liquefied inflammable gases and anhydrous ammonia, stowage of baled cotton, and use of equivalents or alternative procedures respecting dangerous cargoes.

All the comments, views, and data submitted in connection with the items considered by the Merchant Marine Council at this public hearing have been very helpful to the Coast Guard and are very much appreciated. With respect to Item V—Crew Accommodations on Tank Ships, no change was made in the proposed amendment to 46 CFR 32.40–1 (c), regarding hospital accommodations.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), Treasury Department Order 167–14, dated November 26, 1954 (19 F. R. 8026), and Treasury Department Order CGFR 56–28, dated July 24, 1956 (21 F. R. 5659), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendment to § 32.40–1 (c) is prescribed and shall become effective thirty days after the date of publication of this document in the FEDERAL REGISTER:

§ 32.40–1 *Crew accommodations on tank ships of 100 gross tons or over constructed after January 1, 1938—T/ALL.* * * *

(c) *Hospital accommodations.* (1) Each tank vessel which in the ordinary course of its trade makes voyages of more than 3 days' duration between ports and which carries a crew of 12 or more, shall be provided with a hospital space. This space shall be situated with due regard to the comfort of the sick so that they may receive proper attention in all weathers.

(2) The hospital shall be suitably separated from other spaces and shall be used for the care of the sick and for no other purposes.

(3) The hospitals shall be fitted with berths in the ratio of 1 berth to every 12 members of the crew or portion thereof who are not berthed in single-occupancy rooms, but the number of berths need not exceed 6.

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U. S. C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 675, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

Dated: June 18, 1957.

[SEAL] J. A. HIRSHFIELD,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 57–5136; Filed, June 24, 1957; 8:47 a. m.]

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter B—Regulations Affecting Maritime Carriers and Related Activities

[Amdt. 1]

PART 221—DOCUMENTATION, TRANSFER OR CHARTER OF VESSELS

MISCELLANEOUS AMENDMENTS TO STATEMENT OF POLICY; CORRECTION

In F. R. Doc. 57–4908 appearing at page 4289 of the issue for Tuesday, June 18, 1957, the words "the president and" should be inserted after the word "corporation" and before the words "a majority of the officers and directors" in the quoted text under 1 (b) thereof.

Dated: June 20, 1957.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57–5154; Filed, June 24, 1957; 8:49 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

[5th Rev. S. O. 95, Amdt. 6]

PART 95—CAR SERVICE

APPOINTMENT OF REFRIGERATOR CAR AGENT

At a Session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 18th day of June A. D. 1957.

Upon further consideration of the provisions of Fifth Revised Service Order No. 95 (18 F. R. 473, 3732, 7642; 19 F. R. 4003, 20 F. R. 4688; 21 F. R. 4814), and good cause appearing therefor: *It is ordered,* That, § 95.95 *Appointment of Refrigerator car agent,* of Fifth Revised Service Order No. 95, be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) This order, as amended, shall expire at 11:59 p. m., June 30, 1958, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, That this amendment shall become effective at 11:59 p. m., June 30, 1957; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as Agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57–5134; Filed, June 24, 1957; 8:46 a. m.]

Subchapter B—Carriers by Motor Vehicles

[Ex Parte MC–40]

PART 198—TRANSPORTATION OF MIGRANT WORKERS

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 17th day of June A. D. 1957.

It appearing that pursuant to Public Law No. 939, Second Session of the 84th Congress which amended sections 203 (a) and 204 (a) of the Interstate Commerce Act (49 U. S. C. 303 (a) and 304 (a) we instituted a rule making proceeding by order of December 17, 1956 (21 F. R. 10517), for the purpose of prescribing for carriers of migrant workers by motor vehicle, reasonable requirements with respect to comfort of passengers, qualifications and maximum hours of service of operators, and safety of operation and equipment, limited to cases of transportation of any migrant worker for a total distance of more than 75 miles, and then only if such transportation is across the boundary line of any State, the District of Columbia, or Territory of the United States, or a foreign country; and that certain proposed regulations were published as a part of said order;

It further appearing that pursuant to such order and the invitation contained therein persons desiring to participate in the proceeding submitted written statements containing data, views, and arguments in connection with the scope and text of the regulations which the public interest requires; and pursuant to order of March 22, 1957, an oral hearing concerning such regulations was held on May 8, 1957;

And it further appearing that a full investigation of the matters and things, within the scope of our notice of December 17, 1956, having been made in accordance with section 4 of the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1003) and full consideration having been given the revisions proposed and the data, views, and arguments of interested persons with respect thereto, and the Commission on the date hereof having made and filed a report herein setting forth the general basis and purpose of the rules adopted, which report is hereby made a part hereof:

It is ordered, That the rules and regulations designated as Part 198 of our Motor Carrier Safety Regulations, as hereafter set forth, are hereby approved, adopted, and prescribed to become effective on August 1, 1957, except as otherwise specifically indicated therein.

Sec.
198.1 Definitions.
198.2 Applicability.
198.3 Qualifications of drivers or operators.
198.4 Driving of motor vehicles.
198.5 Parts and accessories necessary for safe operation.
198.6 Hours of service of drivers; maximum driving time.
198.7 Inspection and maintenance of motor vehicles.

AUTHORITY: §§ 198.1 to 198.7 issued under sec. 204, 49 Stat. 546, as amended; 49 U. S. C. 304. Interpret or apply sec. 203, 49 Stat. 544, as amended; 49 U. S. C. 303.

§ 198.1 *Definitions*—(a) *Migrant worker.* "Migrant worker" means any

individual proceeding to or returning from employment in agriculture as defined in section 3 (f) of the Fair Labor Standards Act of 1938, as amended (29 U. S. C. 203 (f)) or section 3121 (g) of the International Revenue Code of 1954 (26 U. S. C. 3121 (g)).

(b) *Carrier of migrant workers by motor vehicle.* "Carrier of migrant worker by motor vehicle" means any person, including any "contract carrier by motor vehicle", but not including any "common carrier by motor vehicle", who or which transports in interstate or foreign commerce at any one time three or more migrant workers to or from their employment by any motor vehicle other than a passenger automobile or station wagon, except a migrant worker transporting himself or his immediate family.

(c) *Motor carrier.* "Motor carrier" means any carrier of migrant workers by motor vehicle as defined in paragraph (b) of this section.

(d) *Motor vehicle.* "Motor vehicle" means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property, or any combination thereof determined by the Commission, but does not include a passenger automobile or station wagon, any vehicle, locomotive, or car operated exclusively on a rail or rails, or a trolley bus operated by electric power derived from a fixed overhead wire, furnishing local passenger transportation in street-railway service.

(e) *Bus.* "Bus" means any motor vehicle designed, constructed, and used for the transportation of passengers: Except passenger automobiles or station wagons other than taxicabs.

(f) *Truck.* "Truck" means any self-propelled motor vehicle except a truck tractor, designed and constructed primarily for the transportation of property.

(g) *Truck tractor.* "Truck tractor" means a self-propelled motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

(h) *Semitrailer.* "Semitrailer" means any motor vehicle other than a "pole trailer", with or without motive power, designed to be drawn by another motor vehicle and so constructed that some part of its weight rests upon the towing vehicle.

(i) *Driver or operator.* "Driver or operator" means any person who drives any motor vehicle.

(j) *Highway.* "Highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular traffic.

§ 198.2 *Applicability.* The regulations prescribed in this part shall be applicable to motor carriers of migrant workers, as defined in § 198.1 (b), only in the case of transportation of any migrant worker for a total distance of more than seventy-five miles, and then only if such transportation is across the boundary line of any State, the District of Columbia, or Territory of the United States, or a foreign country.

§ 198.3 *Qualifications of drivers or operators*—(a) *Compliance required.* Every motor carrier, and its officers, agents, representatives and employees who drive motor vehicles or are responsible for the hiring, supervision, training, assignment or dispatching of drivers shall comply and be conversant with the requirements of this part.

(b) *Minimum physical requirements.* No person shall drive, nor shall any motor carrier require or permit any person to drive, any motor vehicle unless such person possesses the following minimum qualifications:

(1) No loss of foot, leg, hand or arm.

(2) No mental, nervous, organic, or functional disease, likely to interfere with safe driving.

(3) No loss of fingers, impairment of use of foot, leg, fingers, hand or arm, or other structural defect or limitation, likely to interfere with safe driving.

(4) Eyesight: Visual acuity of at least 20/40 (Snellen) in each eye either without glasses or by correction with glasses; form field or vision in the horizontal meridian shall not be less than a total of 140 degrees; ability to distinguish colors, red, green and yellow; drivers requiring correction by glasses shall wear properly prescribed glasses at all times when driving.

(5) Hearing: Hearing shall not be less than 10/20 in the better ear, for conversational tones, without a hearing aid.

(6) Liquor, narcotics and drugs: Shall not be addicted to the use of narcotics or habit forming drugs, or the excessive use of alcoholic beverages or liquors.

(7) Initial and periodic physical examination of drivers: No person shall drive nor shall any motor carrier require or permit any person to drive any motor vehicle unless within the immediately preceding 36 month period such person shall have been physically examined and shall have been certified in accordance with the provisions of Subparagraph 8 hereof by a licensed doctor of medicine or osteopathy as meeting the requirements of this subsection.

(8) Certificate of physical examination: Every motor carrier shall have in its files at its principal place of business for every driver employed or used by it a legible certificate of a licensed doctor of medicine or osteopathy based on a physical examination as required by Subparagraph 7 hereof or a legible photographically reproduced copy thereof, and every driver shall have in his possession while driving, such a certificate or a photographically reproduced copy thereof covering himself.

(9) Doctor's certificate: The doctor's certificate shall certify as follows:

DOCTOR'S CERTIFICATE

(Driver of Migrant Workers)

This is to certify that I have this day examined _____ in accordance with Section 198.3 (b) of the Motor Carrier Safety Regulations of the Interstate Commerce Commission and that I find him

Qualified under said rules ☐
Qualified only when wearing glasses ☐
I have kept on file in my office a completed examination.

_____ _____
(Date) (Place)

_____
(Signature of examining doctor)

_____
(Address of doctor)

Signature of driver _____
Address of driver _____

(c) *Minimum age and experience requirements.* No person shall drive, nor shall any motor carrier require or permit any person to drive, any motor vehicle unless such person possesses the following minimum qualifications:

(1) *Age.* Minimum age shall be 21 years.

(2) *Driving skill.* Experience in driving some type of motor vehicle (including private automobiles) for not less than one year, including experience throughout the four seasons.

(3) *Knowledge of regulations.* Familiarity with the rules and regulations prescribed in this part pertaining to the driving of motor vehicles.

(4) *Knowledge of English.* Every driver shall be able to read and speak the English language sufficiently to understand highway traffic signs and signals and directions given in English and to respond to official inquiries.

(5) *Driver's permit.* Possession of a valid permit qualifying the driver to operate the type of vehicle driven by him in the jurisdiction by which the permit is issued.

§ 198.4 *Driving of motor vehicles*—(a) *Compliance required.* Every motor carrier shall comply with the requirements of this part, shall instruct its officers, agents, representatives and drivers with respect thereto, and shall take such measures as are necessary to insure compliance therewith by such persons. All officers, agents, representatives, drivers, and employees or motor carriers directly concerned with the management, maintenance, operation, or driving of motor vehicles, shall comply with and be conversant with the requirements of this part.

(b) *Driving rules to be obeyed.* Every motor vehicle shall be driven in accordance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated, unless such laws, ordinances and regulations are at variance with specific regulations of this Commission which impose a greater affirmative obligation or restraint.

(c) *Driving while ill or fatigued.* No driver shall drive or be required or permitted to drive a motor vehicle while his ability or alertness is so impaired through fatigue, illness, or any other cause as to make it unsafe for him to begin or continue to drive, except in case of grave emergency where the hazard to passengers would be increased by observance of this section and then only to the nearest point at which the safety of passengers is assured.

(d) *Alcoholic beverages.* No driver shall drive or be required or permitted to drive a motor vehicle, be in active control of any such vehicle, or go on duty or remain on duty, when under the influence

of any alcoholic beverage or liquor, regardless of its alcoholic content, nor shall any driver drink any such beverage or liquor while on duty.

(e) *Schedules to conform with speed limits.* No motor carrier shall permit nor require the operation of any motor vehicle between points in such period of time as would necessitate the vehicle being operated at speeds greater than those prescribed by the jurisdictions in or through which the vehicle is being operated.

(f) *Equipment and emergency devices.* No motor vehicle shall be driven unless the driver thereof shall have satisfied himself that the following parts, accessories, and emergency devices are in good working order; nor shall any driver fail to use or make use of such parts, accessories, and devices when and as needed:

Service brakes, including trailer brake connections.
Parking (hand) brake.
Steering mechanism.
Lighting devices and reflectors.
Tires.
Horn.
Windshield wiper or wipers.
Rear-vision mirror or mirrors.
Coupling devices.
Fire extinguisher, at least one properly mounted.
Road warning devices, at least one red burning fuses and at least three flares (oil burning pot torches), red electric lanterns, or red emergency reflectors.

(g) *Safe loading*—(1) *Distribution and securing of load.* No motor vehicle shall be driven nor shall any motor carrier permit or require any motor vehicle to be driven if it is so loaded, or if the load thereon is so improperly distributed or so inadequately secured, as to prevent its safe operation.

(2) *Doors, tarpaulins, tailgates and other equipment.* No motor vehicle shall be driven unless the tailgate, tailboard, tarpaulins, doors, all equipment and rigging used in the operation of said vehicle, and all means of fastening the load, are securely in place.

(3) *Interference with driver.* No motor vehicle shall be driven when any object obscures his view ahead, or to the right or left sides, or to the rear, or interferes with the free movement of his arms or legs, or prevents his free and ready access to the accessories required for emergencies, or prevents the free and ready exit of any person from the cab or driver's compartment.

(4) *Property on motor vehicles.* No vehicle transporting persons and property shall be driven unless such property is stowed in a manner which will assure: (i) Unrestricted freedom of motion to the driver for proper operation of the vehicle; (ii) unobstructed passage to all exits by any person; and (iii) adequate protection to passengers and others from injury as a result of the displacement or falling of such articles.

(5) *Maximum passengers on motor vehicles.* No motor vehicle shall be driven if the total number of passengers exceeds the seating capacity which will be permitted on seats prescribed in § 198.5 (f) when that section is effective. All passengers carried on such vehicle shall remain seated while the motor vehicle is in motion.

(h) *Rest and meal stops.* Every carrier shall provide for reasonable rest stops at least once between meal stops. Meal stops shall be made at intervals not to exceed six hours and shall be for a period of not less than 30 minutes duration.

(i) *Kinds of motor vehicles in which workers may be transported.* Workers may be transported in or on only the following types of motor vehicles: a bus, a truck with no trailer attached, or a semitrailer attached to a truck-tractor provided that no other trailer is attached to the semitrailer. Closed vans without windows or means to assure ventilation shall not be used.

(j) *Limitation on distance of travel in trucks.* Any truck when used for the transportation of migrant workers, if such workers are being transported in excess of 600 miles, shall be stopped for a period of not less than eight consecutive hours either before or upon completion of 600 miles travel, and either before or upon completion of any subsequent 600 miles travel to provide rest for drivers and passengers.

(k) *Lighting devices and reflectors.* No motor vehicle shall be driven when any of the required lamps or reflectors are obscured by the tailboard, by any part of the load, by dirt, or otherwise, and all lighting devices required by Subpart B of Part 193 of this subchapter shall be lighted during darkness or at any other time when there is not sufficient light to render vehicles and persons visible upon the highway at a distance of 500 feet.

(l) *Ignition of fuel; prevention.* No driver or any employee of a motor carrier shall: (1) Fuel a motor vehicle with the engine running, except when it is necessary to run the engine to fuel the vehicle; (2) smoke or expose any open flame in the vicinity of a vehicle being fueled; (3) fuel a motor vehicle unless the nozzle of the fuel hose is continuously in contact with the intake pipe of the fuel tank; (4) permit any other person to engage in such activities as would be likely to result in fire or explosion.

(m) *Reserve fuel.* No supply of fuel for the propulsion of any motor vehicle or for the operation of any accessory thereof shall be carried on the motor vehicle except in a properly mounted fuel tank or tanks.

(n) *Driving by unauthorized person.* Except in case of emergency, no driver shall permit a motor vehicle to which he is assigned to be driven by any person not authorized to drive such vehicle by the motor carrier in control thereof.

(o) *Protection of passengers from weather.* No motor vehicle shall be driven while transporting passengers unless the passengers therein are protected from inclement weather conditions such as rain, snow, or sleet, by use of the top or protective devices required by § 198.5 (f).

(p) *Unattended vehicles; precautions.* No motor vehicle shall be left unattended by the driver until the parking brake has been securely set, the wheels chocked, and all reasonable precautions have been taken to prevent the movement of such vehicle.

(q) *Railroad grade crossings; stopping required; sign on rear of vehicle.* Every motor vehicle shall, upon approaching any railroad grade crossing, make a full stop not more than 50 feet, nor less than 15 feet from the nearest rail of such railroad grade crossing, and shall not proceed until due caution has been taken to ascertain that the course is clear; except that a full stop need not be made at:

(1) A street car crossing within a business or residence district of a municipality;

(2) A railroad grade crossing where a police officer or a traffic-control signal (not a railroad flashing signal) directs traffic to proceed;

(3) An abandoned or exempted grade crossing which is clearly marked as such by or with the consent of the proper state authority, when such marking can be read from the driver's position.

All such motor vehicles shall display a sign on the rear reading, "This Vehicle Stops at Railroad Crossings."

§ 198.5 *Parts and accessories necessary for safe operation*—(a) *Compliance.* Every motor carrier, and its officers, agents, drivers, representatives and employees directly concerned with the installation and maintenance of equipment and accessories, shall comply and be conversant with the requirements and specifications of this part, and no motor carrier shall operate any motor vehicle, or cause or permit it to be operated, unless it is equipped in accordance with said requirements and specifications.

(b) *Lighting devices.* Every motor vehicle shall be equipped with the lighting devices and reflectors required by Subpart B of Part 193 of this subchapter.

(c) *Brakes.* Every motor vehicle shall be equipped with brakes as required by Subpart C of Part 193 of this subchapter, except § 193.44 of this subchapter, and shall satisfy the braking performance requirements contained therein.

(d) *Coupling devices; fifth wheel mounting and locking.* The lower half of every fifth wheel mounted on any truck-tractor or dolly shall be securely affixed to the frame thereof by U-bolts of adequate size, securely tightened, or by other means providing at least equivalent security. Such U-bolts shall not be of welded construction. The installation shall be such as not to cause cracking, warping, or deformation of the frame. Adequate means shall be provided positively to prevent the shifting of the lower half of a fifth wheel on the frame to which it is attached. The upper half of every fifth wheel shall be fastened to the motor vehicle with at least the security required for the securing of the lower half to a truck-tractor or dolly. Locking means shall be provided in every fifth wheel mechanism including adapters when used, so that the upper and lower halves may not be separated without the operation of a positive manual release. A release mechanism operated by the driver from the cab shall be deemed to meet this requirement. On fifth wheels

designed and constructed as to be readily separable, the fifth wheel locking devices shall apply automatically on coupling for any motor vehicle the date of manufacture of which is subsequent to December 31, 1952.

(e) *Tires.* Every motor vehicle shall be equipped with tires of adequate capacity to support its gross weight. No motor vehicle shall be operated on tires which have been worn so smooth as to expose any tread fabric or which have any other defect likely to cause failure. No vehicle shall be operated while transporting passengers while using any tire which does not have tread configurations on that part of the tire which is in contact with the road surface. No vehicle transporting passengers shall be operated with re-grooved, re-capped, or re-treaded tires on front wheels.

(f) *Passenger compartment.* Every motor vehicle transporting passengers, other than a bus, shall have a passenger compartment meeting the following requirements:

(1) *Floors.* A substantially smooth floor, without protruding obstructions more than two inches high, except as are necessary for securing seats or other devices to the floor, and without cracks or holes.

(2) *Sides.* Side walls and ends above the floor at least 60 inches high, by attachment of sideboards to the permanent body construction if necessary. Stake body construction shall be construed to comply with this requirement only if all six-inch or larger spaces between stakes are suitably closed to prevent passengers from falling off the vehicle.

(3) *Nails, screws, splinters.* The floor and the interior of the sides and ends of the passenger-carrying space shall be free of inwardly protruding nails, screws, splinters, or other projecting objects, likely to be injurious to passengers or their apparel.

(4) *Seats.* On and after November 1, 1957, a seat shall be provided for each worker transported. The seats shall be: securely attached to the vehicle during the course of transportation; not less than 16 inches nor more than 19 inches above the floor; at least 13 inches deep; equipped with backrests extending to a height of at least 36 inches above the floor, with at least 24 inches of space between the backrests or between the edges of the opposite seats when face to face; designed to provide at least 18 inches of seat for each passenger; without cracks more than one-fourth inch wide, and the backrests, if slatted, without cracks more than two inches wide, and the exposed surfaces, if made of wood, planed or sanded smooth and free of splinters.

(5) *Protection from weather.* Whenever necessary to protect the passengers from inclement weather conditions, be equipped with a top at least 80 inches high above the floor and facilities for closing the sides and ends of the passenger-carrying compartment. Tarpaulins or other such removable devices for protection from the weather shall be secured in place.

(6) *Exit.* Adequate means of ingress and egress to and from the passenger space shall be provided on the rear or at the right side. Such means of ingress and egress shall be at least 18 inches wide. The top and the clear opening shall be at least 60 inches high, or as high as the side wall of the passenger space if less than 60 inches. The bottom shall be at the floor of the passenger space.

(7) *Gates and doors.* Gates or doors shall be provided to close the means of ingress and egress and each such gate or door shall be equipped with at least one latch or other fastening device of such construction as to keep the gate or door securely closed during the course of transportation; and readily operative without the use of tools.

(8) *Ladders or steps.* Ladders or steps for the purpose of ingress or egress shall be used when necessary. The maximum vertical spacing of footholds shall not exceed 12 inches, except that the lowest step may be not more than 18 inches above the ground when the vehicle is empty.

(9) *Hand holds.* Hand holds or devices for similar purpose shall be provided to permit ingress and egress without hazard to passengers.

(10) *Emergency exit.* Vehicles with permanently affixed roofs shall be equipped with at least one emergency exit having a gate or door, latch and hand hold as prescribed in subparagraphs (7) and (9) of this paragraph and located on a side or rear not equipped with the exit prescribed in subparagraph (6) of this paragraph.

(11) *Communication with driver.* Means shall be provided to enable the passengers to communicate with the driver. Such means may include telephone, speaker tubes, buzzers, pull cords, or other mechanical or electrical means.

(g) *Protection from cold.* Every motor vehicle shall be provided with a safe means of protecting passengers from cold or undue exposure, but in no event shall heaters of the following types be used:

(1) *Exhaust heaters.* Any type of exhaust heater in which the engine exhaust gases are conducted into or through any space occupied by persons or any heater which conducts engine compartment air into any such space.

(2) *Unenclosed flame heaters.* Any type of heater employing a flame which is not fully enclosed.

(3) *Heaters permitting fuel leakage.* Any type of heater from the burner of which there could be spillage or leakage of fuel upon the tilting or overturning of the vehicle in which it is mounted.

(4) *Heaters permitting air contamination.* Any heater taking air, heated or to be heated, from the engine compartment or from direct contact with any portion of the exhaust system; or any heater taking air in ducts from the outside atmosphere to be conveyed through the engine compartment, unless said ducts are so constructed and installed as to prevent contamination of the air so conveyed by exhaust or engine compartment gases.

(5) Any heater not securely fastened to the vehicle.

§ 198.6 *Hours of service of drivers; maximum driving time.* No person shall drive nor shall any motor carrier permit or require a driver employed or used by it to drive or operate for more than 10 hours in the aggregate (excluding rest stops and stops for meals) in any period of 24 consecutive hours, unless such driver be afforded eight consecutive hours rest immediately following the 10 hours aggregate driving. The term "24 consecutive hours" as used in this part means any such period starting at the time the driver reports for duty.

§ 198.7 *Inspection and maintenance of motor vehicles.* Every motor carrier shall systematically inspect and maintain or cause to be systematically maintained, all motor vehicles and their accessories subject to its control, to insure that such motor vehicles and accessories are in safe and proper operating condition.

Notice hereof shall be given to motor carriers and the general public by depositing a copy thereof in the Office of the Secretary of the Interstate Commerce Commission, Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-5135; Filed, June 24, 1957; 8:47 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter E—Alaska Wildlife Protection

PART 46—PROTECTION OF GAME AND FUR ANIMALS, BIRDS, AND GAME FISHES

MISCELLANEOUS AMENDMENTS

Basis and purpose. Section 9 of the Alaska Game Law of January 13, 1925, as amended (43 Stat. 743; 48 U. S. C. 198), authorizes and directs the Secretary of the Interior, from time to time, upon consultation with or recommendations from the Alaska Game Commission, to determine when, to what extent, and by what means, game animals, fur animals, game birds, nongame birds, and nests or eggs of birds, and game fishes may be taken, possessed, transported, bought or sold in the Territory of Alaska, and to adopt suitable regulations permitting and governing such activities in accordance with such determinations.

By notice of proposed rule making published on January 24, 1957 (22 F. R. 478), the public was notified of a public hearing to be held by the Alaska Game Commission in Juneau, Alaska, on February 20, 1957, and was afforded an opportunity to present views, data or arguments with respect to proposed amendments to Part 46, Title 50, Code of Federal Regulations, to be recommended to the Secretary of the Interior by the Commission for the purpose of specifying open seasons, means of taking, bag and possession limits, and other conditions to govern the taking of game and fur animals, birds, and game fishes in Alaska during the year beginning July 1, 1957, and ending June 30, 1958. The public was also invited to submit written views with re-

spect to these matters to the Executive Officer, Alaska Game Commission, Juneau, Alaska, on or before February 18, 1957.

Investigations by the Fish and Wildlife Service and the Alaska Game Commission, and personal observations of citizens and agencies within the Territory of Alaska, indicate that changing conditions within the Territory, including changes in both human and wildlife populations, require further protection to wildlife in some instances and permit some relaxation of regulatory protection in other instances. Following the public hearings held at Juneau and elsewhere in the Territory on proposed amendments to existing regulations and after giving due consideration to all relevant matters presented in response to the Notice of Proposed Rule Making, the Commission has recommended a number of substantive changes in the regulations to conserve the wildlife resources of the Territory and at the same time permit such utilization of these resources as is consistent with the preservation of breeding stocks of game and fur animals, birds, and game fishes.

Among other recommendations, the Alaska Game Commission has reported that northern pike are becoming increasingly popular as a game fish and are in need of protection on the same basis as other game fishes in Alaska. Accordingly, pursuant to authority conferred upon the Secretary of the Interior by section 2 of the Alaska Game Law, northern pike are hereby declared to be game fish and hereafter shall be included among the species of game fishes afforded protection under such law.

The remaining recommendations of the Commission have been considered and it has been determined that they will effectuate the purposes of the Alaska Game Law. Accordingly, the regulations under the Alaska Game Law are amended as follows:

1. The part headnote is revised to read as set forth above.

2. Section 46.1 is amended to read as follows:

§ 46.1 *Meaning of terms.* When used in this part, unless the context otherwise requires, terms shall have the meanings ascribed in this section.

Administrator. Administrator, Alaska Wildlife Resources.

Alien. Any person not a citizen or a national of the United States and who is not a resident or a nonresident of the Territory, as defined in this section.

Big-game animals. Deer, moose, caribou, elk, mountain sheep, mountain goat, bison, muskox, and the large brown, grizzly, and black bears.

Camp. An erected structure providing overnight shelter and equipped with bedding and messing facilities for the occupants.

Closed season. The time during which animals, birds, or game fishes may not be taken.

Commission. The Alaska Game Commission.

Eskimos. Natives of one-half or more Eskimo blood.

Fawn deer. Spotted young deer of the year.

Fur animals. Beaver, muskrat, marmot, raccoon, pika, squirrel, fisher, fox, lynx, marten or sable, mink, weasel or ermine, sea otter, land otter, wolverine, coyote, wolf, and polar bear, excepting therefrom domestically raised animals. Fur animals which have escaped from captivity and which are not recaptured within a period of thirty days after the discovery of the escape shall be deemed to have reverted to a natural and undomesticated state.

Game birds. Anatidae, commonly known as waterfowl, including ducks, geese, brant, and swans; Haematopodidae, Charadriidae; Scolopacidae, and Phalaropodidae, commonly known as shorebirds, including oyster-catchers, plovers, sandpipers, snipe, curlew, and phalaropes; Gruidae, commonly known as cranes; and the several species of grouse and ptarmigan.

Game fishes. Rainbow, steelhead, cutthroat, eastern brook, Dolly Varden and Mackinaw or lake trout, grayling, and northern pike.

Highway. Any road supported or maintained by a governmental agency.

Indians. Natives of one-half or more Indian blood.

Nongame birds. All wild birds except game birds.

Nonresident. A citizen or a national of the United States who has not maintained a bona fide residence in the Territory for a period of twelve months or for the extended period of three years, as the case may be, immediately preceding his claim for resident privileges, shall be considered a nonresident.

Open season. The time during which animals, birds, or game fishes may lawfully be taken. Each period of time prescribed as an open season shall be construed to include the first and last days thereof. Whenever the word year is used in this part it shall mean the year from July 1 to June 30 of the following year.

Person. Individual, club, association, partnership or corporation, any one or all, as the context requires.

Resident. A citizen or a national of the United States who has maintained a bona fide residence in the Territory for for a period of twelve months, three years in the case of trapping, immediately preceding his claim for resident hunting, trapping, fishing, or other privileges under this part, or a foreign-born person not a citizen or a national of the United States who has declared his intention to become a citizen of the United States, and who has resided in the Territory for the required period, shall be considered a resident; but if such a foreign-born person shall not have been admitted to citizenship within seven years from the date he first declared his intention to become a citizen, he shall thereafter be deemed to be an alien until admitted to citizenship. Accumulated periods of residence in Alaska while engaged in seasonal activities do not qualify for resident privileges.

Secretary. The Secretary of the Interior or his authorized representative.

Small-game animals. Hare and rabbit.

Take. Taking, pursuing, disturbing, hunting, capturing, trapping, or killing game animals, fur animals, game or nongame birds, or game fishes; attempting to take, pursue, disturb, hunt, capture, trap, or kill such animals, birds, or game fishes, or setting or using a net, trap, or other device for taking them, or collecting the nests or eggs of such birds. Whenever the taking of animals, birds, or nests or eggs of birds, or game fishes is permitted, reference is had to taking by lawful means and in lawful manner.

Territory. Territory of Alaska.

Three-quarter curl horn. The horn of a mature mountain sheep, the tip of which has grown through 270 degrees of the circle described by the outer surface of the horn as viewed from the side.

Transport. Shipping, transporting, carrying, importing, exporting, or receiving or delivering for shipment, transportation, carriage, or export.

Yearly bag limit. The greatest number of a species permitted to be taken during the current license year (July 1 to June 30) in any wildlife management unit designated in this part as open to hunting or trapping.

3. A new center headnote and a new § 46.2 are added reading as follows:

WILDLIFE MANAGEMENT UNITS

§ 46.2 *Wildlife management units.* The taking of game animals, fur animals, game birds, and game fishes shall be limited to the respective open seasons, bag limits, and other applicable provisions as prescribed in this part in relation to twenty-six geographical divisions of the Territory designated as wildlife management units and described as follows:

Unit 1, Southeast Mainland. The southeast Alaska mainland from Dixon Entrance to Cape Fairweather and those islands lying east of Clarence Strait from Dixon Entrance to Caamano Point and all islands in Stephens Pass and Lynn Canal north of Taku Inlet.

Unit 2, Prince of Wales. Prince of Wales and all adjacent islands bounded by a line from Dixon Entrance in the center of Clarence, Kashevarof, and Sumner Straits, to and including Warren Island, in southeastern Alaska.

Unit 3, Petersburg-Wrangell. Coronation, Kuiu, Kupreanof, Mitkof, Zarembo, Kashevarof, Woronkofski, Etolin, Wrangell, Deer and all adjacent islands in southeastern Alaska.

Unit 4, Admiralty-Baranof-Chichagof. Admiralty, Baranof, Chichagof, Yakobi, Inian, Lemesurier, Pleasant, and adjacent islands in southeastern Alaska.

Unit 5, Yakutat. The mainland drainage into the Gulf of Alaska between Cape Fairweather and Icy Cape.

Unit 6, Cordova-Valdez. That area draining into the Gulf of Alaska and Prince William Sound between Icy Cape and Cape Fairfield but not extending above Miles Glacier on the Copper River; and Kayak, Hinchinbrook, Montague and adjacent islands.

Unit 7, Seward. That part of the Kenai Peninsula which drains into the Gulf of Alaska between Pt. Fairfield and Pt. Gore; the drainage into the Kenai River upstream from the Chugach National Forest boundary and the drainage into Turnagain Arm east of the Chugach National Forest boundary and south of the Alaska Railroad from Portage Junction to Whittier.

Unit 8, Kodiak-Shelikof. Kodiak, Afognak, Chirikof, the Semidi and all their adjacent offshore islands and that part of the Alaska Peninsula which drains into the Pacific

Ocean between Cape Douglas to but not including Kujulik Bay; and adjacent islands.

Unite 9, Alaska Peninsula. That part of the Alaska Peninsula and adjacent mainland, which drains into the Pacific Ocean from and including Kujulik Bay to False Pass and into Bristol Bay from False Pass to Etolin Point on the eastern entrance to Nushagak Bay.

Unit 10, Aleutian Islands. The Aleutian Islands.

Unit 11, Wrangell Mts.-Chitina River. That area draining into the headwaters of the Copper River above the mouth of the Slana River and the area drained by all tributaries into the east bank of the Copper River between the mouth of the Slana River and Miles Glacier.

Unit 12, Upper Tanana-White River. That area drained by the Tanana River and Tributaries upstream from the east bank of the Robertson River to the Alaska-Canada boundary and the White River and tributaries lying within Alaska.

Unit 13, Nelchina-Upper Susitna. That area westerly of the east bank of the Copper River and drained by all tributaries into the west bank of the Copper River from Miles Glacier to and including the Slana River; the drainage into the Delta River upstream from Clear Creek and Black Rapids Glacier; the drainage into the Nenana River upstream from the southeast corner of Mt. McKinley National Park near Windy; the drainages into the Susitna and Chulitna Rivers upstream from their junction; the drainage into the north bank of the Talkeetna River; and the drainages into the Matanuska and Chickaloon Rivers above their junction.

Unit 14, Anchorage. That area draining into the north side of Turnagain Arm north of the Alaska Railroad track from Portage Junction to Whittier; into Knik Arm except from above the junction of the Matanuska and Chickaloon Rivers; into the head of Cook Inlet east of the Susitna River, and into all tributaries into the east bank of the Susitna River upstream to the north bank of the Talkeetna River.

Unit 15, Kenai. That part of the Kenai Peninsula draining into the Gulf of Alaska, Cook Inlet and Turnagain Arm from Pt. Gore to the Chugach National Forest boundary near Big Indian Creek and the drainage into the Kenai River downstream from the Chugach National Forest boundary.

Unit 16, Lower Susitna. That area draining into the west side of Cook Inlet from Cape Douglas northward to and including the Susitna River and its drainage from the west upstream to its junction with the Chulitna River.

Unit 17, Bristol Bay. That part of the mainland draining into Bristol Bay between Etolin Pt. west to Cape Newenham.

Unit 18, Yukon-Kuskokwim Delta. That area draining into the Yukon and Kuskokwim Rivers downstream from the Paimiut-Kalskag portage and into all streams flowing into the Bering Sea from Cape Newenham on the south to and including the Pastolik River drainage on the north; Nunivak and adjacent islands.

Unit 19, McGrath. All of the drainage into the Kuskokwim River upstream from the Paimiut-Kalskag portage.

Unit 20, Fairbanks-Central Tanana. That area drained by the Tanana River and tributaries downstream from the east bank of the Robertson River to the east banks of the Toklat and lower Kantishna Rivers on the south, and to and including the Tolovana River drainage on the north but not including the headwater portions of the Nenana and Delta Rivers described as part of Unit 13; and the Ladue and Fortymile River drainages within Alaska.

Unit 21, Middle Yukon. That area draining into the Yukon River from the Paimiut-Kalskag portage upstream to but not including the Hess Creek drainage; the Koyukuk River upstream to and including the Dubli River drainage; and the Tanana River upstream to the Tolovana River drainage on the north and to the east banks of the lower Kantishna and Toklat Rivers on the south.

Unit 22, Nome. That part of the Seward Peninsula and adjacent mainland drained by all streams flowing into Kotzebue Sound, Bering Strait, and Norton Sound from but not including the Goodhope River drainage on the north to but not includng the Pastolik River drainage on the south; King, Little Diomede, St. Lawrence, Sledge, Stuart, and adjacent islands.

Unit 23, Kotzebue Sound. That area drained by all streams flowing into the Arctic Ocean and Kotzebue Sound from Cape Lisburne on the north to and including the drainage into the Goodhope River on the south.

Unit 24, Koyukuk. That area drained by the Koyukuk River and tributaries upstream from but not including the Dubli River drainage.

Unit 25, Fort Yukon. The drainage into the Yukon River upstream from and including the Hess Creek drainage to the Alaska-Canada boundary.

Unit 26, Arctic Slope. That area drained by all streams and rivers flowing into the Arctic Ocean between Cape Lisburne and the Alaska-Canada boundary; and the Firth River drainage lying within Alaska.

4. Section 46.6 is amended to read as follows:

§ 46.6 *General provisions.* Except as permitted in §§ 46.8 and 46.51, no person shall take, possess or transport game animals, fur animals (other than wolves and coyotes), game birds, or game fishes, or purchase or sell fur animals or parts thereof, unless he is in possession of a valid license of the nature required by the Alaska Game Law and regulations of the Commission thereunder (Part 163 of this chapter), bearing his signature written in ink on the face thereof, and he shall have his license on his person when taking such animals, birds, or fishes and shall produce it for inspection by any game management agent or other authorized person requesting to see it.

5. Section 46.11 is amended to read as follows:

§ 46.11 *Emergency use.* When in need of food and other sufficient food is not available, an explorer, prospector, traveler, Indian or Eskimo may take animals, birds (except migratory birds), or game fishes in any part of the Territory at any time for food but he shall not transport or sell any animal, bird, game fish, or part thereof so taken except the hides of animals so taken which may be transported and sold within the Territory.

6. A new center headnote and a new § 46.16 are added reading as follows:

FOOD FOR ANIMALS

§ 46.16 *Use of game as bait or as food for dogs or fur animals prohibited.* No person lawfully in possession of any game animal or game bird shall use any part thereof for bait; nor shall any person lawfully in possession of any game animal, game or nongame bird, or game fish feed any part thereof to a dog or to a fur animal held in captivity, except the waste parts consisting of the hides or skins, viscera and bones.

7. Section 46.33 is amended to read as follows:

§ 46.33 *Reports by hunters and trappers.* Each person taking animals or birds in the Territory shall keep records to show the kind and number of each species taken, and shall, on or before the thirtieth day after the expiration of his license, make a written report to the Commission on a form furnished for that purpose, of all game animals, fur animals and game birds taken during the preceding license period extending from July 1 through June 30.

8. In § 46.41 the proviso at the end of paragraph (g) and paragraph (h) in its entirety are amended to read as follows:

§ 46.41 *General provisions.* * * *

(g) *Export permits.* * * * *Provided,* That a licensed nonresident or alien hunter shall be permitted to export lawfully taken game birds and small-game animals, and not exceeding one season's bag limit, as applied to nonresidents or aliens, of big-game animals by first obtaining from any game management agent or other officer designated by the Commission a permit to export same, for which no additional fee will be charged.

(h) *Marking of packages.* No package containing fur animals, game animals, game birds, game fishes, parts thereof, or articles manufactured therefrom, shall be possessed or transported unless it has clearly and conspicuously marked on the outside thereof the names and addresses of the consignor and consignee and an accurate and detailed statement of its contents and, if exported, the number and kind of permit as required by paragraph (g) of this section.

9. Paragraph (f) of § 46.51 *General provisions* is amended to read as follows:

(f) *Dolly Varden trout.* Dolly Varden trout taken in salt water.

10. Section 46.71 is amended to read as follows:

§ 46.71 *General provisions.* Subject to the restrictions and limitations imposed by this section on the taking of game and fur animals and game and nongame birds and subject also to the additional restrictions and limitations severally made applicable to the taking of particular species of game and fur animals, game and nongame birds, and game fishes by the succeeding sections of this part, the game and fur animals, game and nongame birds, and game fishes on which open seasons are prescribed in this part may be taken during such open seasons, by the methods and means, in the wildlife management units designated as being open to such taking, and in numbers not exceeding the limits prescribed therefor, but not at any other time, by any other method, aid, or means; nor in any other units or numbers.

(a) No person while on any railroad or highway or within 100 feet of the centerline of any highway shall take any game or nongame birds or game or fur animals (except wolves and coyotes); nor shall such birds or animals (except wolves and coyotes) be taken from, on, or across any

railroad or from, on, across, or within 100 feet of the centerline of any highway.

(b) When any person shall have taken game or fur animals equal to the yearly bag limit prescribed for the unit in which such taking occurs, he shall not again hunt or trap for the species so taken except in a designated open unit where a greater yearly bag limit on such species is prescribed; and in no event shall the cumulative numbers of the species taken by him exceed the yearly bag limit prescribed for the respective unit in which the additional game or fur animals are taken.

(c) Any bear, fox or wolverine may be killed at any time or place when necessary to prevent injury to persons or damage to livestock, poultry, or other property.

11. In § 46.91 the last proviso is amended to read as follows:

§ 46.91 *Methods and means.* * * * *And provided further,* That land otter may not be taken with steel traps smaller than size 48 Newhouse or its equivalent during any closed season on mink or marten within the same unit.

12. Section 46.112 is amended to read as follows:

§ 46.112 *Species, seasons, and limits.* A continuously open season, with no limit on the numbers which may be taken, is prescribed on the following nongame birds and their nests and eggs: Crows, ravens, magpies, and cormorants.

13. Section 46.113 is amended to read as follows:

§ 46.113 *Hawks, owls and eagles.* A continuously closed season is prescribed on hawks, owls and eagles. Hawks, owls and eagles may be killed only when committing damage to fishes, other wildlife, domestic birds, and animals. Any bald eagle so killed, or the carcass or any part thereof, including feathers, may not be possessed or transported for any purpose.

14. Section 46.121 is amended to read as follows:

§ 46.121 *Methods and means.* Except as permitted in § 46.351, game fishes may be taken only by angling with a single line held in the hand or attached to a rod so held, or fixed within sight of the owner when used for angling through the ice (in which case the fixed line shall be clearly marked with the name and address of the operator), but no line shall at any time have attached to it more than two flies or hooks, nor more than one plug, spoon, spinner, or series of spinners: *Provided,* That no game fish may be taken by the use of snag or gang hooks; nor by any means within 300 feet of any operating fish weir or fish ladder; nor in those portions of the lower Russian and Kenai Rivers which lie within 300 yards of the mouth of the lower Russian River; nor in waters where game-fish planting or restocking is being conducted and such waters are so designated by appropriately posted Alaska Game Commission signs.

15. In § 46.132 the description of the Rainbow Reserve is amended to read as follows:

§ 46.132 *Reserves continuously closed on all animals and birds; exceptions.* * * *

Rainbow Reserve. The drainage into Turnagain Arm north of the Anchorage-Seward Highway from Potter to the Alaska Railroad-Seward-Anchorage highway crossing near Girdwood.

16. In § 46.141 the following changes are made:

1. Mitkof Island Reserve is deleted.

2. The Kenai Peninsula Highway Reserve, the Southeastern Alaska Highway Reserve and the Steese Highway Reserve are amended to read as follows:

Kenai Peninsula Highway Reserve. A strip ¼ mile wide on each side of all highways on the Kenai Peninsula (Units 7 and 15). (Closed on all big-game animals.)

Southeastern Alaska Highway Reserve. A strip ¼ mile wide on each side of all highways in Southeastern Alaska (Units 1, 2, 3 and 4). (Closed on all big-game animals.)

Steese Highway Reserve. The area lying within 5 miles of each side of the Steese Highway between Mileposts 103 and 112 on Eagle Summit. (Closed on caribou.)

3. New reserves, to be known as the Dyea Reserve and the Watana-Butte Creek Reserve, are added in alphabetical position to read as follows:

Dyea Reserve. The entire drainage into Taiya Inlet, located at the head of Lynn Canal. (Closed on moose.)

Watana-Butte Creek Reserve. All of the drainage into the north and west banks of the Susitna River upstream from and including Watana Creek to and including Butte Creek. (Closed on mountain sheep.)

17. Section 46.151 as last amended effective May 2, 1957 (22 F. R. 3117), is further amended by deleting the words "area" and "areas" throughout the text and substituting therefor the words "unit" and "units," respectively. The said section, as so last amended, is also further amended by deleting the word "Director" throughout the text and substituting therefor the word "Secretary."

18. Section 46.201 is amended to read as follows:

§ 46.201 *Seasons and limits on game animals.* Subject to the applicable provisions of the preceding sections of this part, the game animals which may be taken, the wildlife management units open to hunting (but not including any area within the Reserves described in § 46.131 through § 46.141 where the season is continuously closed to the taking of designated species of game animals), the open seasons (dates inclusive), and the bag limits on game animals during the year beginning July 1, 1957, and ending June 30, 1958, are prescribed as follows:

Species and units	Open seasons	Bag limits
Deer (except fawns)		
Units:		
1 and 5	Aug. 20–Nov. 30	3 bucks a year.
2, 3, and 4	Aug. 20–Nov. 30	4 deer a year: *Provided,* That does may be taken only during the period Oct. 15–Nov. 30.
6	Aug. 20–Nov. 30	2 deer a year: *Provided,* That does may be taken only during the period Oct. 1–Nov. 30.
8	Aug. 20–Nov. 30	1 buck a year.
Moose (bulls with forked antlers or larger)		
Units:		
1	Oct. 15	1 bull a year.
8, 9, and 17	Aug. 20–Sept. 30; Dec. 10–Dec. 31.	
7 and that portion of Unit 6 west of 148° W. longitude	Aug. 20–Sept. 20	
6 That portion of Unit 6 east of 148° W. longitude	Closed season	Closed season.
14 That portion of Unit 14 north of the Little Susitna River.	Aug. 20–Sept. 20; Nov. 1–Dec. 10.	1 bull a year.
14 Remainder of Unit 14 (except Rainbow Reserve)	Aug. 20–Sept. 20; Nov. 1–Nov. 30.	Do.
11, 13 (except Denali Reserve) and 16		
5, 12, 15 and 20	Aug. 20–Sept. 20; Nov. 20–Nov. 30.	Do.
18, 19, 21, 22, 24, 25 and 26	Aug. 20–Sept. 30; Nov. 20–Nov. 30.	Do.
Caribou (either sex)		
Units:		
8 (except Kodiak Island) and 9	Aug. 20–Aug. 31; Dec. 10–Dec. 31.	1 a year.
11, 12, 13 (except Denali Reserve)		
14, 16, 17, 19, 20 (except Steese Highway Reserve)		
21, 22, and those portions of Units 23, 24, and 25 south of the Arctic Circle.	Aug. 20–Dec. 31	3 a year.
26 and those portions of Units 23, 24, and 25 north of the Arctic Circle.	No closed season	No limit.
Elk (forked antlers or larger)		
Unit 8	Sept. 1–Sept. 20	1 bull a year.
Mountain goat (except kids)		
Units:		
1, 3, 4 (except on Chichagof Island)		
5 and 6	Aug. 20–Nov. 30	2 a year.
7 (except Cooper Landing Reserve)		
11, 13 (except Sheep Mountain Reserve)		
14 (except Eagle River Reserve)	Aug. 20–Oct. 31	1 a year.
15		
Mountain sheep (rams with three-quarter (¾) horn or larger)		
Units:		
7 (except Cooper Landing Reserve)		
15	Aug. 20–Aug. 24	
11, 12 (except Tok Reserve)		
13 (except Sheep Mountain, Denali and Watana-Butte Reserve).		
14 (except Eagle River Reserve)	Aug. 20–Sept. 10	1 ram, with three-quarter (¾) horn or larger, a year.
16, 17, 19, 20 and that portion of Unit 25 south of the Yukon River.		
23, 24, 26 and that portion of Unit 25 north of the Yukon River.	Aug. 15–Sept. 10	

Species and units	Open seasons	Bag limits
Bison	Closed season	Closed season.
Muskox	do	Do.
Brown and grizzly bear		
Units:		
1, 4 (except Thayer Mountain and Pack Creek Reserves).	Sept. 1–June 30	1 of either species a year.
5		
8 (except the mainland coast)	Sept. 16–May 31	1 of either species a year, except females accompanied by cubs.
9 and the mainland coast of Unit 8	Nov. 1–May 31	1 of either species a year.
6, 7, 11, 12, 13 (except Denali Reserve)	Sept. 1–Mar. 31; May 6–June 30.	1 of either species a year.
14, 15, 16 (except McNeil River Reserve)		
17 and 18 through 26		
Black bear (including its brown, blue or glacial bear color variations)		
Units:		
1, 2, 3, 4, and 5	Sept. 1–June 30	2 a year.
6, 8, 9, 11, 12, 13 (except Denali Reserve)	Aug. 20–June 30	3 a year.
14, 16, 20, and Unit 25 south of the Yukon		
7, 15, 17, 18, 19, 21, 22, 23, Unit 25 north of the Yukon, and 26.	No closed season	Do.
Hare and rabbit		
Units:		
1, 2, 3, 4, and 5	Sept. 1–Apr. 30	5 a day.
6, 7, 8, 9 (except Popoff Island), and 10 through 26	No closed season	No limit.

19. Section 46.251 is amended to read as follows:

§ 46.251 *Seasons and limits on fur animals.* Subject to the applicable provisions of the preceding sections of this part, the fur animals which may be taken, the wildlife management units open to the taking of such animals (but not including any area within the Reserves described in § 46.131 through § 46.141 where the season is continuously closed to the taking of designated species of fur animals), the open seasons (dates inclusive), and the bag limits on fur animals during the year beginning July 1, 1957, and ending June 30, 1958, are prescribed as follows:

Species and units	Open seasons	Bag limits
Mink, marten, fox (except white fox), lynx, weasel (ermine), and wolverine		
Units:		
1 (except in the Juneau Reserve)	Dec. 15–Jan. 20	No limit.
2, 3, and 4 (except for marten on Chichagof Island)		
6 (that portion of Unit 6 west of the Copper River, except Montague Island).	Nov. 20–Dec. 20	Do.
5, 6 (that portion of Unit 6 east of the Copper River), 7, 8 (except for mink on Kodiak Island and marten on Afognak Island).	Nov. 16–Jan. 31	Do.
9 through 26 (except for fox in Unit 14 upon which there is no closed season).		
Land otter [1]		
Units 1 (except in Juneau Reserve), 2, 3, and 4	Dec. 15–Jan. 20; Apr. 1–May 15.	Do.
6 (that portion of Unit 6 west of the Copper River)	Nov. 20–Dec. 20	Do.
5, 6 (that portion of Unit 6 east of the Copper River)	Nov. 16–Mar. 31	Do.
7 through 26		
White fox		
Units 9, 17, 18, 22, 23, and 26	Dec. 1–Mar. 15	Do.
Muskrat		
Units 6 through 26	Jan. 1–June 10	Do.

[1] Land otter may not be taken with steel traps smaller than size 48 Newhouse or its equivalent during any closed season on mink or marten within the same wildlife management unit.

Species and units	Open seasons	Bag limits
Beaver		
Units:		
1 (except in the Juneau Reserve)	Apr. 1–May 15	15 a year.
2, 3, and 4		
5, 6, 7, 11, 13, 19, 20 (except drainage of Chena River and tributary sloughs between the Little Chena River and Tanana River), and 21.	Feb. 1–Mar. 31	20 a year.
24	Feb. 1–Mar. 31	25 a year.
14, 15, and 16	Feb. 1–Mar. 31	40 a year.
9 (except all drainages to the Pacific Ocean and Bristol Bay west of and including the Meshik River).	Feb. 1–Mar. 31	15 a year.
12, 23, and 25		
17 (except all drainages to Bristol Bay south of 60° N. latitude), and 22.	Feb. 1–Mar. 31	10 a year.
8	Mar. 1–Apr. 30	20 a year.
18	Closed season	Closed season.
Wolf, coyote, marmot, and squirrel		
Units 1 through 26 (except wolves and coyotes in Unit 13)	No closed season	No limit.
Wolf and coyote		
Unit 13	Closed season	Closed season.
Polar bear (except females accompanied by cubs)		
Units 18, 22, 23, and 26	No closed season	1 a year.
Sea otter, fisher, pika and raccoon		
Units 1 through 26	Closed season	Closed season.

20. Section 46.301 is amended to read as follows:

§ 46.301 *Seasons and limits on game birds.* Subject to the applicable provisions of the preceding sections of this part, the game birds which may be taken, the wildlife management units open to hunting (but not including any area within the Reserves described in § 46.131 through § 46.141 where the season is continuously closed to the taking of designated species of game birds), the open seasons (dates inclusive), and the bag limits on game birds during the year beginning July 1, 1957, and ending June 30, 1958, are prescribed as follows:

Species and units	Open seasons	Bag limits
Grouse		
Units:		
1 through 17	Aug. 20–Dec. 31	10 a day.
18 through 26	Aug. 20–Apr. 15	Do.
Ptarmigan		
Units 1 through 26	Aug. 20–Apr. 15	20 a day.
Migratory game birds [1]		
In the Territory	Seasons and limits in accordance with the current Migratory Bird Treaty Act regulations.	

[1] The Migratory Bird Hunting Stamp Act of Mar. 16, 1934, as amended (16 U. S. C. 718), provides that no person who has attained the age of 16 years shall take any migratory waterfowl (brant, wild ducks, geese, and swans) unless at the time of such taking he carries on his person an unexpired Federal migratory bird hunting stamp (Duck Stamp) validated by his signature written by himself in ink across the face of the stamp prior to his taking such birds.

21. Section 46.351 is amended to read as follows:

§ 46.351 *Seasons and limits on game fishes.* Subject to the applicable provisions of the preceding sections of this part, the open seasons (dates inclusive), daily bag and possession limits, and the wildlife management units in which rainbow, steelhead, cutthroat, eastern brook, Dolly Varden and Mackinaw or lake trout, grayling and northern pike may be taken during the year beginning July 1, 1957, and ending June 30, 1958, are prescribed as follows:

Units	Open seasons	Bag limits
Units: 1, 2, 3, 4, 5, 6, 8, 17, 18, 19, 21, 22, 23, 24, 25, and 26 (see exceptions below).	No closed season	15 fish daily: *Provided*, That such limit may not contain more than 3 fish over 20" in length. Possession limit: 2 daily bag limits.
9, 10, 12 and 20 (see exceptions below)	No closed season	10 fish daily or in possession: *Provided*, That such limit may not contain more than 2 fish over 20" in length, and that no fish under 12" in length may be taken in the Chatanika and Big Delta Clearwater Rivers.
7, 14, 15 and 16 (see exceptions below)	July 1–Mar. 31; May 28–June 30.	
11 and 13 (see exceptions below)	July 1–Apr. 30; June 8–June 30.	
Exceptions: (a) Naknek River and waters of Naknek Lake within ½ mile of its outlet (in Unit 9).	July 1–Mar. 31; May 28–June 30.	
(b) Tustamena Lake (in Unit 15)	No closed season	
(c) Shaw Creek and the Tanana River for 3 miles below Shaw Creek (in Unit 20).	July 1–Mar. 31; May 28–June 30.	

(d) Dolly Varden and Mackinaw or lake trout may be taken at any time without regard to bag limits and by use of gill net, trap or seine in all drainages into the Arctic Ocean north of Cape Krusenstern and in salt water where the taking of salmon for commercial purposes by netting is permitted.

(e) Dolly Varden and Mackinaw or lake trout may be taken for personal use without regard to bag limits during the period December 1 through April 30 by use of gill net, trap or seine in the waters of Illiamna, Ugashik, Becharof Lakes and their outlet rivers, and in the Nushagak river drainage.

(f) Northern pike may be taken at any time without regard to bag limits and by use of a gill net, trap, seine or spear in all of the waters of Alaska except in Unit 20 where such taking shall be by hook, line, or spear and in numbers according to the applicable bag limit.

(g) Subject to the applicable bag limits for Unit 15, Mackinaw or lake trout in Tustamena Lake may be taken by use of a single set line, but no such line shall have attached to it more than three hooks.

The foregoing amendments to §§ 46.201, 46.251, 46.301 and 46.351, prescribing open seasons for hunting, trapping and fishing, will relieve restrictions on the taking of game and fur animals, game birds, and game fishes in Alaska which otherwise would become effective on July 1, 1957, following the expiration by their own limitations, of the schedules set forth in the existing sections. The remaining amendments will not materially affect existing privileges until the seasons prescribed above become open to the taking of game and fur animals and game birds which opening will not occur, in any event, until long after a period of 30 days following publication. In the circumstances, it has been determined that the 30-day advance publication requirement imposed by the provisions of section 4 (c) of the Administrative Procedure Act of June 11, 1946, 60 Stat. 238; 5 U. S. C. 1003 (c), may be waived under the exemptions provided in that section. Accordingly, the foregoing amendments shall become effective on July 1, 1957.

(Sec. 9, 43 Stat. 743, as amended; 48 U. S. C. 198)

Issued at Washington, D. C., and dated June 17, 1957.

FRED A. SEATON,
Secretary of the Interior.

[F. R. Doc. 57-5092; Filed, June 24, 1957; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 6]

MIGRATORY BIRDS

NOTICE OF PROPOSED RULE MAKING

Pursuant to section 4 (a) of the Administrative Procedure Act approved June 11, 1946 (60 Stat. 237), notice is hereby given that the Director, Bureau of Sport Fisheries and Wildlife, proposes to recommend the adoption by the Secretary of the Interior, under authority contained in section 3 of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U. S. C. 704), of amendments to Part 6, Title 50, Code of Federal Regulations, which will specify open seasons, certain closed seasons, hunting methods, shooting hours, and bag limits for migratory game birds.

The proposed amendments specifying open seasons and bag limits for migratory game birds, except waterfowl, coots and Wilson's snipe (but including scoter, eider and old-squaw ducks in open coastal waters beyond outer harbor lines in certain North Atlantic Coastal States and waterfowl, coots and Wilson's snipe in Alaska), and those relating to other matters will be proposed for final adoption not later than August 1, 1957, to become effective September 1, 1957. Proposed amendments specifying open seasons, bag limits, and shooting hours for other waterfowl, coots and Wilson's snipe will be proposed for adoption not later than September 1, 1957, to become effective not later than October 1, 1957.

On the basis of final decisions to be reached at the conclusion of studies now in progress, the said Director may recommend the adoption by the Secretary of other amendments to Part 6 to accomplish the following purposes:

1. Section 6.3 would be amended to impose additional restrictions on the methods by which migratory game birds may be taken—

(a) By prohibiting the use of live birds (irrespective of species) as decoys;

(b) By prohibiting the use of electrical or mechanical recordings or reproductions of bird calls or sounds or recorded imitations of such calls or sounds; and

(c) By prohibiting the taking of such birds on or over any place where salt or feed that may attract such birds has been placed at any time during or within 10 days prior to the open season on such birds.

2. Section 6.7 would be amended to restate the number of migratory game birds which may be imported from Canada, Mexico, or other foreign countries and the conditions to govern such importations.

3. Section 6.11 would be amended to provide that no migratory game birds taken alive during the open season may be possessed after 60 days following the close of the open season unless a permit authorizing possession of such birds is obtained in accordance with § 6.15.

Section 2 of the act of July 3, 1956 (70 Stat. 492), authorizes the Secretary of the Interior to prescribe regulations under which wheat, corn, and other grains, acquired through price support operations and made available upon his requisition by the Commodity Credit Corporation, may in turn be made available by him to Federal, State, or local governmental bodies or officials, or to private organizations or persons for use in preventing crop damage by migratory waterfowl by luring such waterfowl away from crop depredations under conditions which will not expose such migratory waterfowl to shooting over areas to which the waterfowl are lured by the feeding programs.

To implement the migratory waterfowl depredation control activities authorized by the act of July 3, 1956, the Director, Bureau of Sport Fisheries and Wildlife, proposes to recommend the adoption by the Secretary of the Interior of additional amendments to Part 6, under which a new center headnote and §§ 6.81 to 6.87, inclusive, would be added to the part to read as follows:

FEEDING OF DEPREDATING WATERFOWL

Sec.
6.81 Statutory provisions.
6.82 Interpretation.
6.83 Policy.
6.84 Waterfowl depredation complaints; where filed.
6.85 Criteria to govern approval of applications.
6.86 Action following investigation.
6.87 Compliance with other regulations.

AUTHORITY: §§ 6.81 to 6.87 issued under sec. 2, 70 Stat. 492.

FEEDING OF DEPREDATING WATERFOWL

§ 6.81 *Statutory provisions.* Section 1 of the act of July 3, 1956 (70 Stat. 492), provides that the Commodity Credit Corporation shall make available to the Secretary of the Interior such wheat, corn or other grains, acquired through price support operations and certified by the Corporation to be available for purposes

of the act or in such condition through spoilage or deterioration as not to be desirable for human consumption, as the Secretary may requisition for the purpose of preventing crop damage by migratory waterfowl. Section 2 of the act authorizes and directs the Secretary, upon a finding by him that any area in the United States is threatened with damage to farmers' crops by migratory waterfowl, whether or not during the open season for such migratory waterfowl, to requisition from the Commodity Credit Corporation and to make available to Federal, State, or local governmental bodies or officials, or to private organizations or persons, such grain acquired by the Corporation through price support operations in such quantities and subject to such regulations as the Secretary determines will most effectively lure migratory waterfowl away from crop depredations and at the same time not expose such migratory waterfowl to shooting over areas to which the waterfowl have been lured by such feeding programs.

§ 6.82 *Interpretation.* The authorization contained in the statute limits the availability of grain acquired through price support operations to the prevention of crop damage by migratory waterfowl (brant, wild ducks, geese, and swans) and no such grain may be made available for the feeding of any other species of migratory birds (as defined in § 6.1), whether or not such other species of migratory birds are committing or threatening to commit crop damage. The statute does not authorize the use of such grain to conduct a migratory waterfowl feeding program for the purpose of augmenting natural sources of food available to migratory waterfowl, or for any purpose incident to migratory waterfowl management, which is not related to the prevention of crop damage. Accordingly, no grain shall be made available pursuant to this part in substitution for or to augment natural sources of migratory waterfowl food except so far as may be determined to be necessary to aid in the prevention of crop damage by such birds.

§ 6.83 *Policy.* To achieve economy and promote efficiency and expedition whenever it is found necessary to conduct feeding programs under this part for the prevention of crop damage by migratory waterfowl, it shall be the policy of the Secretary to accord preference to feeding programs proposed to be executed through the placement of grain upon wildlife management areas or other lands or waters owned, leased, or otherwise controlled by an agency of the United States or of a State.

§ 6.84 *Waterfowl depredation complaints; where filed.* Any person having an interest in crops being damaged or threatened with damage by migratory waterfowl in circumstances meeting the criteria prescribed in § 6.85 may make application for grain for use in luring such waterfowl away from such crops by submitting a written request to the Regional Director of the Bureau of Sport Fisheries and Wildlife Regional Office having administrative supervision over wildlife activities in the State where the affected crops are located.[1] Such application may be in letter form but must contain information disclosing the location, nature, condition and extent of the crops being damaged or threatened, and the particular species of migratory waterfowl committing or threatening to commit damage. For the purposes of this section any authorized official of a Federal, State, or local governmental body shall be deemed to be a "person" and to have such an interest in crops threatened with damage as will qualify him as an applicant.

§ 6.85 *Criteria to govern approval of applications.* Upon receipt of an application for grain for use in preventing crop depredations, the Regional Director shall promptly cause such investigation to be made as may be necessary to determine whether the applicant is entitled to have grain made available to him for such purposes. Whenever feasible the required investigation shall be made jointly by a representative of the Game Department of the State in which the affected crops are located and a representative of the Regional Director. When conducting investigations of grain applications consideration shall be given separately to each of the factors set forth in paragraphs (a) to (d), inclusive, of this section and no application for grain shall be approved if it is determined that one or more of the enumerated factors minimizes the extent of crop damage or provides an effective method for preventing crop damage.

(a) The migratory waterfowl committing or threatening to commit crop damage must be predominantly of species which are susceptible of being effectively lured away from crops by the use of grain.

(b) The crop damage or threat of crop damage must be substantial in nature (when measured by the extent and potential value of the crops involved and the number of birds threatening damage) and must affect growing crops or mature unharvested crops in such condition as to be marketable or have a value as feed for livestock or other purposes of material value to the applicant.

(c) It must be shown that the damage or threat of damage cannot be abated through the exercise of privileges of the nature granted in permits authorized by § 6.61 to frighten or otherwise herd migratory waterfowl away from affected crops.

(d) No application for grain shall be approved in any event for use in preventing crop damage during the open season for migratory waterfowl unless the area affected by crop damage has been and is yet open to public hunting during such season and it is clearly demonstrated that such hunting is ineffective, and cannot be made effective, to prevent crop damage on such area.

§ 6.86 *Action following investigation.* Upon receipt of a report and recommendations based upon an investigation conducted under § 6.84 and upon a determination by the Secretary that the applicant meets the qualifications for receiving grain, the Secretary will determine the quantity of grain to be made available, either bagged or in bulk, the means of transportation, and the point of delivery in the vicinity of the crop damage. Before receiving delivery of such grain the applicant shall execute and deliver to any officer authorized to enforce this part written assurances as follows:

(a) That grain made available to him under this part will be used exclusively for the prevention and abatement of crop damage by migratory waterfowl and that no portion of such grain will be sold, donated, exchanged, or used as feed for livestock or other domestic animals or for any other purpose.

(b) That consent is granted to any officer authorized to enforce this part to inspect, supervise or direct the placement and distribution of grain made available under this part for the prevention of crop damage whenever such authorized officer shall be instructed to conduct such supervisory activities;

(c) That free and unrestricted access to the premises on which feeding operations have been or are to be conducted is permitted at all reasonable times by any officer authorized to enforce this part and that such information as may be required by the officer will promptly be furnished; and

(d) That he will not take, nor permit his agents, employees, invitees, or other persons under his control to take, migratory game birds on or over any lands or waters subject to his control during any time when grain made available under this part is placed, exposed, deposited, distributed, scattered, or present upon such lands or waters, nor during a period of 10 days immediately following the consumption or removal of such grain from such lands or waters.

§ 6.87 *Compliance with other regulations.* Nothing in §§ 6.81 to 6.86, inclusive, shall be construed to supersede or modify § 6.3, nor shall anything in said sections be construed to permit transportation, distribution, or use of grain contrary to any applicable health, inspection, quarantine, game protection, or other requirements imposed by law or by regulations of authorized Federal or State agencies and local governmental bodies.

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[1] Region 1: (California, Idaho, Montana, Nevada, Oregon, Washington): 1001 Northeast Lloyd Boulevard (P. O. Box 3737), Portland 14, Oregon.

Region 2: (Arizona, Colorado, Kansas, New Mexico, Oklahoma, Texas, Utah, Wyoming): 906 Park Avenue SW. (P. O. Box 1306), Albuquerque, New Mexico.

Region 3: (Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, Nebraska, North Dakota, South Dakota, Wisconsin): 1006 West Lake Street, Buzza Building, Minneapolis 8, Minnesota.

Region 4: (Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Virginia): Peachtree-Seventh Building, Atlanta 23, Georgia.

Region 5: (Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia): 59 Temple Place, 1105 Blake Building, Boston 11, Massachusetts.

Region 6: (Alaska: Federal Building (P. O. Box 2021), Juneau, Alaska.

Prior to the final adoption of proposed amendments to Part 6 as described above, consideration will be given to any data, views or arguments relating thereto which are submitted in writing to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D. C., on or before July 22, 1957.

Dated: June 21, 1957.

[SEAL] D. H. JANZEN,
Director,
Bureau of Sport Fisheries and Wildlife.

[F. R. Doc. 57-5199; Filed, June 24, 1957; 9:21 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 978]

[Docket No. AO-184-A16]

MILK IN NASHVILLE, TENN., MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in Room 411, Davidson County Courthouse, Nashville, Tennessee, beginning at 10:00 a. m., c. s. t., July 16, 1957, for the purpose of receiving evidence with respect to the proposed amendments hereinafter set forth, or appropriate modification thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Nashville, Tennessee, marketing area (7 CFR, 978 et seq.).

The proposal to enlarge the Nashville marketing area raises the issue of whether the provisions of the present order would tend to effectuate the declared policy of the act if they are applied to the marketing area as proposed to be enlarged, and, if not, what modifications of the order, as amended, should be made to effectuate the declared policy of the act.

The proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the order regulating the handling of milk in the Nashville, Tennessee, marketing area have been proposed as follows:

By Nashville Milk Producers, Inc.:

1. Amend § 978.41 so as to provide a separate classification to be known as Class I-A milk for butterfat and skim milk used in the production of cottage cheese and egg nog.

2. Amend § 978.51 so as to provide that the basic formula price will be the price for Class I-A milk.

3. Amend § 978.51 so as to provide a higher price for Class II milk using formulas, supply-demand or both, and to provide both a floor and a ceiling to the Class II price.

By R. T. Cochran, Attorney for Certain Nashville Handlers:

4. Amend § 978.41 (b) by inserting between the provision, subparagraph (3), and the provision, subparagraph (4), the words: "in milk dumped after prior notification to the market administrator, and opportunity for verification by the market administrator."

5. Delete subparagraph (2) of paragraph (a) of § 978.45, and substitute therefor the following:

(2) (i) Subtract from the total pounds of skim milk in Class I milk, the pounds of skim milk in fluid milk products, received in consumer packages and disposed of in the same packages as received, and which was classified and priced as Class I milk under another order issued pursuant to the act.

(ii) Subtract from the total pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk other than that subtracted pursuant to subdivision (i) of this subparagraph.

6. Consider revision of provisions for location differentials to handlers and location differentials to producers, §§ 978.53 and 978.82.

7. Delete § 978.5, and substitute therefor the following:

§ 978.5 *Nashville, Tennessee, marketing area.* "Nashville, Tennessee, marketing area", hereinafter called the "marketing area", means all the territory within the boundaries of the counties of Coffee, Bedford, Rutherford, Davidson, Cheatham, Roberston, and Montgomery, including all cities and municipalities within said boundaries, all in the State of Tennessee; and the entire territory within the boundaries of Fort Campbell Military Reservation (including those parts located in Montgomery County, Tennessee, Stewart County, Tennessee, Christian County, Kentucky, and Trigg County, Kentucky).

By the Dairy Division, Agricultural Marketing Service:

8. Make such changes as may be required to make the entire marketing agreement and order conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing and of the order now in effect may be procured from the Market Administrator, Presbyterian Building, Room 101, 152 4th Avenue, North, Nashville 3, Tennessee, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: June 20, 1957.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 57-5158; Filed, June 24, 1957; 8:50 a. m.]

[7 CFR Part 1018]

[Docket No. AO-286]

MILK IN SOUTHEASTERN FLORIDA MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO A RECOMMENDED DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to a proposed marketing agreement and order regulating the handling of milk in the Southeastern Florida marketing area, which was issued June 6, 1957 (22 F. R. 4080), is hereby extended to July 1, 1957.

Dated: June 20, 1957.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 57-5159; Filed, June 24, 1957; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 12011]

TELEVISION BROADCAST STATIONS, CARBONDALE-HARRISBURG, ILL.

ORDER EXTENDING THE TIME FOR FILING REPLY COMMENTS

In the matter of amendment of § 3.606 *Table of assignments,* Television Broadcast Stations (Carbondale-Harrisburg, Illinois), Docket No. 12011.

1. The Commission has before it for consideration a petition filed June 18, 1957, by Turner-Farrar Association requesting the Commission to extend the time for filing reply comments in the above-entitled proceeding from June 20, 1957 to July 5, 1957.

2. In support of its request petitioner alleges that certain of the initial comments filed in this proceeding contained supporting engineering statements which set forth the areas and populations which would be served by the various proposals and the other services available to these areas and populations; that because different assumptions were used, and for other reasons there are disagreements between these statements; that, in addition, the initial comments include counterproposals which inject substantially new issues into the proceeding and that petitioner therefore will be unable to complete its analysis of the comments and the preparation of a reply thereto by June 20. Petitioner further alleges that the other parties to the proceeding do not object to the extension.

3. The Commission is of the view that the public interest, convenience and necessity would be served by extending the

time for filing reply comments in the above-entitled proceeding.

4. In view of the foregoing: *It is ordered,* This 19th day of June 1957, that the time for filing reply comments in the above-entitled proceeding is extended from June 20, 1957 to July 5, 1957.

Released: June 20, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-5148; Filed, June 24, 1957; 8:48 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Office of the Secretary

[Docket No. FC-44]

MACHLETT LABORATORIES, INC., AND ANDREW J. FOSTER

APPEALS BOARD DECISION

JUNE 18, 1957.

In the matter of: Machlett Laboratories, Inc., Andrew J. Foster, Springdale, Connecticut; Appeals Board Docket No. FC-44, B. F. C. Case No. 231.

Machlett Laboratories, Inc. and Andrew J. Foster, Springdale, Connecticut, hereinafter referred to as appellants, have appealed from the Order Revoking and Denying Export Privileges, issued by John C. Borton, Director, Office of Export Supply, Bureau of Foreign Commerce, dated June 6, 1957. (22 F. R. 3983.)

A hearing before the Appeals Board was held on June 14, 1957, at which both appellants were represented by counsel and Machlett Laboratories, Inc. also was represented by its President.

Following careful consideration of the testimony of the appellants, the pertinent documents of record in this matter, the plea in behalf of appellant Machlett as to matters of life, health and national security which might be adversely affected if the suspension Order were not greatly reduced or withdrawn, the Board found that the Director, Office of Export Supply had taken appropriate action to care for possible emergencies falling within the above categories.

The record and testimony showed clearly that appellant Foster, acting in his capacity of Foreign Sales Manager for appellant Machlett, had clearly and knowingly violated U. S. export control regulations, and that the foreign export operation, carried on under his supervision, was permitted to function without adequate supervision by the top management of the appellant Machlett.

While it was made clear to the Board that the acts causing the suspensions were the direct responsibility of appellant Foster, and the Board is aware of the integrity and high business character of appellant Machlett, the basic responsibility for the acts causing the suspension cannot be excused as to Machlett on these grounds or entirely passed on to a subordinate official.

The Board feels that the Director, Office of Export Supply has given full weight to all mitigating circumstances in this matter as evidenced by the imposition of unusual short suspension periods which were fully justified under the circumstances.

Therefore, it is ordered, That this appeal be denied.

FREDERIC W. OLMSTEAD,
Chairman,
Appeals Board.

JUNE 18, 1957.

[F. R. Doc. 57-5133; Filed, June 24, 1957; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11940, 11941; FCC 57M-595]

SARKES TARZIAN, INC., AND GEORGE A. BROWN, JR.

ORDER CONTINUING FURTHER PRE-HEARING CONFERENCE

In re applications of Sarkes Tarzian, Inc., Bowling Green, Kentucky, Docket No. 11940, File No. BPCT-2114; George A. Brown, Jr., Bowling Green, Kentucky, Docket No. 11941, File No. BPCT-2131; for construction permits for new television stations.

It is ordered, This 19th day of June 1957, on the Hearing Examiner's own motion, that the further prehearing conference presently scheduled for June 24, 1957, is hereby continued to July 1, 1957, at 9:00 a. m. in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-5149; Filed, June 24, 1957; 8:48 a. m.]

[Docket Nos. 12012, 12014; FCC 57M-596]

KMPS BROADCASTING CO. AND TRI-CITIES BROADCASTING CO.

ORDER CONTINUING HEARING

In re applications of J. Conrad Dunagan, K. E. Burrows and D. W. Bozeman, Jr., dba KMPS Broadcasting Company, Monahans, Texas, Docket No. 12012, File No. BPCT-2213; J. Ross Rucker, J. B. Walton and Mrs. Helen Winborne Walton, dba Tri-Cities Broadcasting Company, Monahans, Texas, Docket No. 12014, File No. BPCT-2231; for construction permits for new television broadcast stations.

The Hearing Examiner having under consideration a motion filed on June 18, 1957, by KMPS Broadcasting Company, requesting that the hearing in the above-entitled proceeding presently scheduled for June 24, 1957, be continued to 10:00 a. m. on June 25, 1957;

It appearing, that counsel for the petitioner, KMPS Broadcasting Company, is presently engaged in another proceeding before the Commission sitting en banc and his attendance will be required at the June 24 session of such proceeding, at which time the witnesses of his client in the case are scheduled to appear and testify;

It further appearing, that counsel for the competing applicant in the instant proceeding, Tri-Cities Broadcasting Company, and counsel for the Broadcast Bureau have informally agreed to a waiver of the so-called "four-day" rule and to an immediate consideration and grant of the instant motion;

It is ordered, This 19th day of June, 1957, that the motion be and it is hereby granted; and the hearing in the above-entitled proceeding be and it is hereby continued to June 25, 1957, at 10 o'clock a. m., in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-5150; Filed, June 24, 1957; 8:48 a. m.]

[Docket No. 12055 etc.; FCC 57M-591]

RADIO TAMPA ET AL.

ORDER SCHEDULING HEARING

In re applications of Richard M. Seidel, Bernice Schwartz and Harold H. Meyer, d/b as Radio Tampa, Tampa, Florida, Docket No. 12055, File No. BP-10348; Rand Broadcasting Company, Tampa, Florida, Docket No. 12056, File No. BP-11010; B. F. J. Timm, Lakeland, Florida, Docket No. 12057, File No. BP-11031; for construction permits.

It is ordered, This 17th day of June 1957, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 4, 1957, in Washington, D. C.

Released: June 13, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-5151; Filed, June 24, 1957; 8:48 a. m.]

[Docket Nos. 12058, 12059; FCC 57M-590]

KBR STATIONS, INC., AND WKNE CORP.

ORDER SCHEDULING HEARING

In re applications of The KBR Stations, Inc., Keene, New Hampshire, Docket No. 12058, File No. BP-10732; WKNE Corporation, Brattleboro, Vermont, Docket No. 12059, File No. BP-10919; for construction permits.

It is ordered, This 17th day of June 1957, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 4, 1957, in Washington, D. C.

Released: June 18, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-5152; Filed, June 24, 1957; 8:49 a. m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority 294]

SECRETARY OF COMMERCE

NEGOTIATION OF CERTAIN CONTRACTS FOR SUPPLIES AND SERVICES IN CONNECTION WITH BUREAU OF THE CENSUS PROGRAMS

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, herein called the act, authority is hereby delegated to the Secretary of Commerce to negotiate without advertising under sections 302 (c), (4), (5) and (10) of the act, contracts for supplies and services relating to certain programs of the Bureau of the Census.

2. This authority shall be exercisable only with respect to the procurement of those supplies and services which are directly connected with the Bureau of the Census programs pertaining to the collection, collation, testing and analysis of statistical data and developments of new methods and equipment pertaining thereto.

3. In addition, in connection with the procurement of supplies hereunder, this authority shall be exercised for procurement only of those supplies of a highly technical, experimental or developmental nature.

4. This authority shall be exercised in accordance with applicable limitations and requirements in the act, particularly sections 304, 305, and 307, and in accordance with policies, procedures, and controls prescribed by the General Services Administration.

5. Subject to the provisions of 4 above, the authority herein delegated under section 302 (c), (4) and (5) may be redelegated to any official or employee of the Department of Commerce. The authority under section 302 (c) (10) may be redelegated only in accordance with section 307 (b) of the act.

6. This delegation shall be effective as of the date hereof, and shall not extend beyond June 30, 1958.

Dated: June 18, 1957.

FRANKLIN G. FLOETE,
Administrator.

[F. R. Doc. 57-5131; Filed, June 24, 1957; 8:46 a. m.]

SMALL BUSINESS ADMINISTRATION

[S. B. A. Pool Request No. 20]

CALEDONIA COUNTY PRODUCTION POOL ASSOCIATES

REQUEST TO OPERATE AS A SMALL BUSINESS PRODUCTION POOL AND REQUEST TO CERTAIN COMPANIES TO PARTICIPATE IN THE OPERATIONS OF SUCH POOL

Pursuant to section 217 of the Small Business Act of 1953, as amended, the Attorney General, after consultation with the Chairman of the Federal Trade Commission and the Administrator of the Small Business Administration, has approved the following request to the Caledonia County Production Pool Associates to operate as a small business production pool and the following request to the companies hereinafter listed to participate in the operations of such pool. The voluntary program, in accordance with which the pool shall operate, has been approved by the Administrator of the Small Business Administration and found to be in the public interest as contributing to the national defense.

REQUEST TO CALEDONIA COUNTY PRODUCTION POOL ASSOCIATES

I hereby approve your proposed voluntary program to operate as a small business production pool and find it to be in the public interest as contributing to the national defense program.

In my opinion, the operations of your organization as a small business production pool will assist in the accomplishment of our national defense program. Therefore, in accordance with the provisions of Section 217 of the Small Business Act of 1953, as amended, you are hereby requested to operate as such a pool in the manner set forth in the approved voluntary program.

While no obligation is imposed upon you, by virtue of this request, to operate as such a pool or to seek or obtain any Government contracts, if you wish to commence operations as a small business production pool you may do so upon notifying me in writing of your acceptance of this request. Section 217, referred to above, provides in part that no act or omission to act pursuant to this approved program shall be construed to be within the prohibition of the antitrust laws or the Federal Trade Commission Act of the United States.

The Attorney General has approved this request after consultations with respect thereto among his representatives, representatives, of the Chairman of the Federal Trade Commission and my representatives, pursuant to Section 217 of the Small Business Act of 1953, as amended.

Sincerely yours,

WENDELL B. BARNES,
Administrator.

REQUEST TO COMPANIES

The voluntary program of Caledonia County Production Pool Associates to operate as a small business production pool has been found to be in the public interest as contributing to the national defense program and has therefore been approved.

Inasmuch as your concern is included among the prospective members of the pool, in my opinion your participation in its operations will assist in the accomplishment of our national defense program. Therefore, in accordance with the provisions of section 217 of the Small Business Act of 1953, as amended, you are hereby requested to participate in the operations of the pool in the manner set forth in its voluntary program.

While no obligation is imposed upon you, by virtue of this request, to participate in the operations of this pool, if you wish to participate you may do so by notifying me in writing of your acceptance of this request. Section 217, referred to above, provides in part that no act or omission to act pursuant to this approved program shall be construed to be within the prohibition of the antitrust laws or the Federal Trade Commission Act of the United States.

The Attorney General has approved this request after consultation with respect thereto among his representatives, representatives of the Chairman of the Federal Trade Commission and my representatives, pursuant to section 217 of the Small Business Act of 1953, as amended.

Sincerely yours,

WENDELL B. BARNES,
Administrator.

Caledonia County Production Pool Associates accepted the request set forth above to operate as a small business production pool.

Names and Addresses of Companies Accepting Request to Participate

Howard G. Calkins Co., Railroad Street, Danville, Vermont.

Richard N. Bohlen, d/b/a Truline, 87 Summer Street, St. Johnsbury, Vermont.

Cravett & Swett, 5 Harrison Avenue, St. Johnsbury, Vermont.

(Sec. 217 of Pub. Law 163, 83d Cong.; E. O. 10493, Oct. 16, 1953, 18 F. R. 6583)

Dated: June 20, 1957.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 57-5128; Filed, June 24, 1957; 8:45 a. m.]

[Declaration of Disaster Area 147]

TEXAS

DECLARATION OF DISASTER AREA

Whereas, it has been reported that during the month of June 1957, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Texas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Offices below indicated from persons or firms whose property situated in the following counties (including any areas adjacent to said counties) suffered damage or other destruction as a result of the catastrophe hereinafter referred to:

Counties: Travis and Bexar (flood beginning on or about June 3).

Offices: Small Business Administration Regional Office, 1114 Commerce Street, Dallas 2, Texas.

Small Business Administration Branch Office, Room 290—U. S. P. O. Building—P. O. Box 2474, San Antonio, Texas.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to December 31, 1957.

WENDELL B. BARNES,
Administrator.

JUNE 5, 1957.

[F. R. Doc. 57-5129; Filed, June 24, 1957; 8:45 a. m.]

[Declaration of Disaster Area 148]

ARKANSAS

DECLARATION OF DISASTER AREA

Whereas, it has been reported that during the month of June 1957, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Arkansas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Offices below indicated from persons or firms whose property situated in the following counties (including any areas adjacent to said counties) suffered damage or other destruction as a result of the catastrophe hereinafter referred to:

a. Counties: Benton, Madison, Carroll, Boone, Sevier, Crawford, Sebastian, Franklin, Logan, Johnson, Yell, Pope, Conway, Perry, Pulaski, Lonoke, Jefferson and Little River (flood beginning on or about June 3).

Offices: Small Business Administration Regional Office, 1114 Commerce Street, Dallas 2, Texas.

Small Business Administration Branch Office, U. S. O. Building, 217 Main Street, Little Rock, Arkansas.

b. Counties: Greene and Poinsett (flood beginning on or about June 3).

Offices: Small Business Administration Regional Office, Peachtree Seventh Building, Room 265, 50 Seventh Street Northeast, Atlanta 23, Georgia.

Small Business Administration Branch Office, 732 Falls Building, 22 North Front Street, Memphis 3, Tennessee.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to December 31, 1957.

Dated: June 5, 1957.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 57-5130; Filed, June 24, 1957; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3594]

STANDARD SHARES, INC.

ORDER AUTHORIZING PROPOSED SALE BY HOLDING COMPANY OF COMMON STOCK OF PUBLIC-UTILITY COMPANY

JUNE 18, 1957.

Standard Shares, Inc. ("Shares"), a registered holding company in process of becoming an investment company, has filed a declaration and amendments thereto with this Commission pursuant to section 12 of the Public Utility Holding Company Act of 1935 ("act") and Rules U-44 and U-50 thereunder regarding the sale of 265,000 shares of the common stock of Duquesne Light Company ("Duquesne"), a public-utility company.

Shares holds 567,500 shares, and its indirect subsidiary, Philadelphia Company, also a registered holding company, holds 80,009 shares, of the 6,600,000 outstanding shares of the common stock of Duquesne. Pursuant to the competitive bidding requirements of Rule U-50, Shares proposes to sell to the public 265,000 shares of its holdings of the Duquesne stock in furtherance of its Plan, under section 11 (e) of the act, to become an investment company, which Plan provides, inter alia, that Shares will reduce its system's holdings of Duquesne common stock to less than 5 percent of such shares outstanding. Upon consummation of the proposed sale the holdings by the Shares' system of Duquesne stock will be 382,509 shares, or approximately 5.8 percent of such stock outstanding.

Shares proposes to use part of the net proceeds received from the proposed sale of the Duquesne common stock to retire its outstanding $3,000,000 bank indebtedness which was incurred with the permission of the Commission (Holding Company Act Release No. 13460). The balance of the net proceeds is to be used by Shares for investment purposes in accordance with and subject to the limitations of its investment company program set forth in its Plan.

The following is an estimate of the fees and expenses incurred or to be incurred in connection with the proposed sale and distribution of Duquesne common stock, other than the compensation to Hellerstein & Rosier, counsel for Shares which will be the subject of a separate application to the Commission involving legal services affecting Shares rendered in this matter and rendered and to be rendered in related matters under section 11 of the act:

Filing fee—Securities and Exchange Commission	$1,060
Printing	20,000
Legal services (Reed, Smith, Shaw & McClay, Pittsburgh, Pa.)	12,000
Accounting services (Haskins & Sells)	4,464
Qualifying under security laws of various states (to be paid by Shares)	2,000
Miscellaneous expenses	5,590
	45,114

The legal fee and expenses of Messrs. Cahill, Gordon, Reindel & Ohl, who have been selected as counsel for the underwriters, are estimated at $6,500 and $400, respectively, and will be paid by the underwriters.

No State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed sale of Duquesne common stock.

It is requested that the Commission's Order herein make findings and recitals conforming to the requirements of section 4382 (b) (2) of the Internal Revenue Code with respect to the proposed sale and transfer to the Purchasers pursuant to a Purchase Contract with an underwriting group to be entered into on or about June 25, 1957, by Shares for the sale of 265,000 shares of common stock, par value $10 per share, of Duquesne.

Due notice of the filing of the declaration having been given in the manner prescribed by Rule U-23 (Holding Company Act Release No. 13489) and no hearing having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the Act and of the rules promulgated thereunder are satisfied, that the fees and expenses set forth above are not unreasonable, and that the declaration, as amended, should be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that the declaration, as amended, be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and Rule U-50.

It is further ordered, found and recited, That the proposed transfer, sale and delivery by Shares to the Purchasers in accordance with the terms of a Purchase Contract with an underwriting group to be entered into on or about June 25, 1957, of 265,000 shares of common stock, par value $10 per share, represented by the following certificates of Duquesne common stock:

Certificate No.	Number of shares
NU 485	106,400
NU 415	42,100
NU 531	106,500
NU 337	10,000

is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 57-5153; Filed, June 24, 1957; 8:49 a. m.]

ATOMIC ENERGY COMMISSION

[Docket 50-37]

GENERAL DYNAMICS CORP.

NOTICE OF ISSUANCE OF CONSTRUCTION PERMIT

Please take notice that no petitions to intervene having been filed following publication in the FEDERAL REGISTER on June 1, 1957, 22 F. R. 3856, of a notice of the proposed action, the Atomic Energy Commission has issued to General Dynamics Corporation Construction Permit CPCX-7.

Dated at Washington, D. C., this 18th day of June 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-5146; Filed, June 24, 1957; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

EVA FRANK ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Eva Frank, nee Neumark, 229, Stoke Newington Church Street, London, W.8, England; Claim No. 63376.

Tsevi Neumark (formerly Theodor Neumark), Ein Hanaziv, Doar Na Beth-Shaan, Israel; Claim No. 63587.

Esther Bloch, nee Neumark, Ramat-Gan B, 43A Neveh Yehoshua, Israel; Claim No. 63588.

Zvi Namir (fomerly Hermann Neumark), Moshav Chemed, Post Beth Dagon, Israel; Claim No. 63589.

Shalom (formerly Fritz) Neumark 85, Shikun Hapoel Hamizrachi, Kiryat Shalom, Tel-Aviv, Israel; Claim No. 63590.

Rose Moeller, nee Neumark, 37 Shiloah Street, Haifa, Israel; Claim No. 63592.

Dorothea Deborah Alon (Ullmann), nee Neumark, Irgun Hasorim, Post Hagalil, Hatachton, Israel; Claim No. 63593.

Ernst Israel Neumark, Hazorea Settlement, Israel; Claim No. 63594.

Ruth Schaal, nee Neumark, Prophets Street, Abyssinian-House, Jerusalem, Israel; Claim No. 63595.

Dr. Yehoshua Amir (formerly Hermann Neumark), 13 Emmanuel Noah Street, Jerusalem, Israel; Claim No. 63596.

Vesting Order No. 643.

One-sixteenth ($1/16$) of $2,345.33 in the Treasury of the United States to each of the following: Eva Frank, Esther Bloch, Zvi Namir, Shalom Neumark, Dorothea Deborah Alon, Ernst Israel Neumark, Ruth Schaal, and Dr. Yehoshua Amir; and

Two-sixteenths ($2/16$) of $2,345.33 in the Treasury of the United States to each of the following: Tsevi Neumark and Rose Moeller.

Executed at Washington, D. C., on June 17, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-5139; Filed, June 24, 1957; 8:47 a. m.]

A. H. GRILK-VAN ANDEL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. A. H. Grilk-van Andel, Bilthoven, The Netherlands; Claim No. 60908; Vesting Order No. 17838; $126.78 in the Treasury of the United States.

Executed at Washington, D. C., June 17, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-5140; Filed, June 24, 1957; 8:47 a. m.]

ELFRIEDE ROSENTHAL ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Elfriede Rosenthal a/k/a Mrs. Francoise, Elfriede Poujardieu, La Reole (Gironde), France; Claim No. 57650; $1,037.71 in the Treasury of the United States.

Jurgen Karl Rosenthal a/k/a Charles Rosenthal, La Reole (Gironde), France; Claim No. 57650; $1,037.71 in the Treasury of the United States.

Else Rosenthal, as the Guardian of the person and estate of her minor daughter, Annette Jacqueline Rosenthal, La Reole (Gironde), France; Claim No. 57650; $1,037.70 in the Treasury of the United States.

Gerd Steiner a/k/a Gerald Steiner, London, England; Claim No. 63073; $389.14 in the Treasury of the United States.

Lilli Heymann a/k/a Lilli Suesskind, Nahariya, Israel; Claim No. 63073; $389.14 in the Treasury of the United States.

Leo Rosenthal, London, England; Claim No. 63095; $778.28 in the Treasury of the United States.

Recha Klein, Forest Hills, New York; Claim No. 63095; $778.28 in the Treasury of the United States.

Charlotte Harzfeld a/k/a Charlotte Pauline, Herzfeld Berndt, Moises Ville, Argentina; Claim No. 63095; $259.43 in the Treasury of the United States.

Hildegarde Rosenthal a/k/a Hildegarde Darsche Rosenthal and Hildegarde Darsche Rosenthal-Tugendreich, Chacabuco, Argentina; Claim No. 63095; $259.43 in the Treasury of the United States.

Guenther Rosenthal a/k/a Gunther Rosenthal, Rivera, Argentina; Claim No. 63095; $259.42 in the Treasury of the United States.

Mitzi Rosenthal Roberts, Sydney, Australia; Claim No. 63508; $778.28 in the Treasury of the United States.

Vesting Order No. 4480.

Executed at Washington, D. C., on June 17, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-5141; Filed, June 24, 1957; 8:48 a. m.]

ANDREAS JOACHIM JULIUS SCHNAUBERT

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Andreas Joachim Julius Schnaubert, Swakopmund, South West Africa; Claim No. 66703; Voluntary turnover; $806.25 in the Treasury of the United States.

Executed at Washington, D. C., on June 17, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-5142; Filed, June 24, 1957; 8:48 a. m.]

ATSU TAKEUCHI.

REVOCATION OF NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Notice is hereby given of the revocation, as of the date of publication hereof, of the Notice of Intention to Return Vested Property, consisting of $3,528.93 in the Treasury of the United States, to Miss Atsu Takeuchi, Tokyo, Japan, which notice was executed in connection with Title Claim No. 63815 and Vesting Order No. 16277, on April 29, 1957, and published in the FEDERAL REGISTER on May 4, 1957 (22 F. R. 3195).

Executed at Washington, D. C., on June 17, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-5143; Filed, June 24, 1957; 8:48 a. m.]